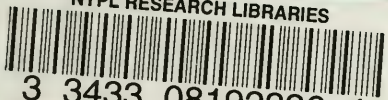


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STATE GOVERNMENT SERIES

HISTORY AND GOVERNMENT OF MINNESOTA



BY

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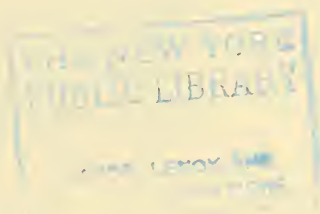
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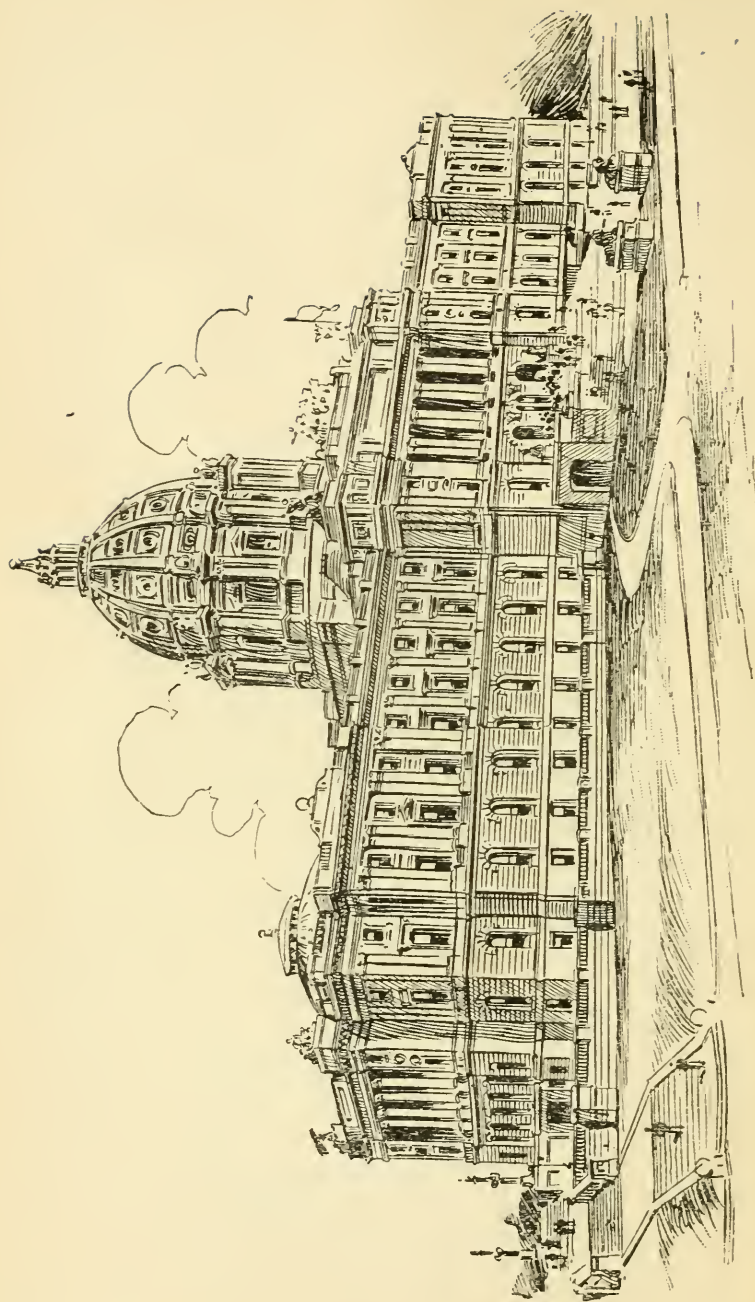
THE
STATE GOVERNMENT SERIES

EDITED BY

B. A. HINSDALE, Ph.D., LL.D.

VOLUME III.





NEW CAPITOL, ST. PAUL.

HISTORY
AND
Civil Government of Minnesota

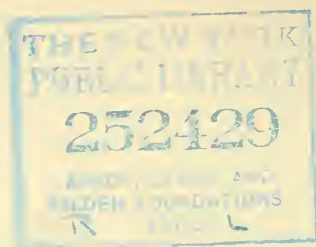
BY
SANFORD NILES

AND
THE GOVERNMENT OF THE UNITED STATES

BY
B. A. HINSDALE, Ph.D., LL.D.



CHICAGO NEW YORK
WERNER SCHOOL BOOK COMPANY



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History and Government of Minnesota



Checked
May 1913

PREFACE.

That our schools give so little attention to the history and civil government of Minnesota surprises no one who has given a moment's thought to the fact that the student who would gain anything like an adequate knowledge of these important subjects must make himself familiar with the contents of several bulky volumes prepared for the general reader or for the student of law.

In view of this fact it is evident that the study of the history and civil government of our state cannot receive the attention its importance demands until a suitable text-book is placed in the hands of pupils and teachers. To the preparation of such a work the writer has given much time and thought, and this volume, Part I and Part II, is the result.

Part I contains the leading facts of our state history drawn from the most reliable sources. Closely related facts are grouped in the several chapters, under appropriate heads. For example: The chapter on "The State School System" treats of the earliest school legislation; of the origin and progress of the common schools, the normal schools, the institutes, and the uni-

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versity; of district, county, graded school, high school, and state supervision, and of the financial support of the schools from the earliest times. Other chapters treat of other subjects in an equally comprehensive manner. This method is regarded as greatly superior to the strictly chronological method which brings a number of unrelated facts into the same chapter, and forces the pupil himself to classify these facts, scattered through the entire book, in order that he may obtain a clear view of any given subject.

In Part II will be found a full outline of the civil government of Minnesota based on the constitution of the state and the latest statutes. Suggestive questions follow the chapters on local government; and stimulating questions for class discussion appear after the concluding chapter. It is believed that these carefully prepared lists of questions will prove very helpful to the pupil. The former list will serve to extend his knowledge of local affairs, of the actual workings of the government; the latter, if rightly used, will lead to wider reading, to careful thinking, and to a better understanding of fundamental principles. Topics for use in recitation and review may be found at the close of Part III.

MINNEAPOLIS, Minn., January 1, 1897.

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GENERAL INTRODUCTION.

The character of the volumes that will comprise The State Government Series is indicated by the name of the series itself. More definitely, they will combine two important subjects of education, History and Government. It is proposed in this Introduction briefly to set forth the educational character and value of these subjects, and to offer some hints as to the way in which they should be studied and taught, particularly as limited by the character of the Series.

1. THE EDUCATIONAL VALUE OF THE STUDY OF HISTORY AND GOVERNMENT.

Not much reflection is required to show that both of these subjects have large practical or guidance value, and that they also rank high as disciplinary studies.

1. *History*.—When it is said that men need the experience of past ages to widen the field of their personal observation to correct their narrow views and mistaken opinions, to furnish them high ideals, and to give them inspiration or motive force; and that history is the main channel through which this valuable experience is transmitted to them—this should be sufficient to show that history is a very important subject of education. On this point the most competent men of both ancient and modern times have delivered the most convincing testimony. Cicero called history “the witness of times, the light of truth, and the mistress of life.” Dionysius of Halicarnassus said “history is philosophy teaching by

examples," and Lord Bolingbroke lent his sanction to the saying. Milton thought children should be taught "the beginning, the end, and the reasons of political societies." Another writer affirms that "history furnishes the best training in patriotism, and enlarges the sympathies and interests." Macaulay said: "The real use of traveling to distant countries, and of studying the annals of past times, is to preserve them from the contraction of mind which those can hardly escape whose whole commerce is with one generation and one neighborhood."

In every great field of human activity the lessons of history are invaluable—in politics, religion, education, moral reform, war, scientific investigation, invention and practical business affairs. The relations of history and politics are peculiarly close. There could be no science of politics without history, and practical politics could hardly be carried on. But, more than this, there can be no better safeguard than the lessons of history against the specious but dangerous ideas and schemes in relation to social subjects that float in the atmosphere of all progressive countries. In fact, there is no other safeguard that is so good as these lessons; they are experience teaching by examples. The man who has studied the history of the Mississippi Scheme, the South Sea Bubble, or some of the less celebrated industrial or economical manias that have afflicted our own country, is little likely to embark in similar schemes himself, or to promote them. The man who has studied the evils that irredeemable paper money caused in France in the days of the Revolution, or the evils that the Continental money caused in our own country, will be more apt to form sound views on the subjects of currency and banking than the man who has had no such training. The

school of history is a conservative school, and its lessons are our great defense against cranks, faddists, and demagogues.

2. *Government.*—Politics is both a science and an art. It is the science and the art of government. As a science it investigates the facts and principles of government; as an art it deals with the practical applications of these facts and principles to the government of the state.

Now it is manifest that the art of politics, or practical government, directly concerns everybody. Few indeed are the subjects in which men, and particularly men living in great and progressive societies, are so deeply interested as in good government. The government of the state is charged with maintaining public order, securing justice between man and man, and the promotion of the great positive ends of society. For these purposes it collects and expends great revenues, which are ultimately paid from the proceeds of the labor of the people. Furthermore, in republican states, such as the American Union and the forty-five individual States that make up the Union, government is carried on by the people through their representatives chosen at popular elections. The voters of the United States are a great and rapidly growing body. In the presidential election of 1888, 11,388,007 citizens participated; in the presidential election of 1892, 12,078,657 — a growth of nearly 700,000 in four years. Moreover, these voters are felt in many other ways and places; they vote for National representatives, for State legislatures, executives, and judges, for county, township, and city offices, for the supervisors of roads and the directors of the public schools. There is not a point in the whole round of National, State, and Local government that the popular will, as expressed at elections,

does not touch. Every man is, therefore, directly concerned to understand the nature and operations of these governments, and almost equally concerned to have his neighbors also understand them.

We have been dealing with practical politics exclusively. But the art of government depends upon the science of government. The government of a great country like our own, at least if a good one, is a complicated and delicate machine. Such a government is one of the greatest triumphs of the human mind. It is the result of a long process of political experience, and in its elements at least it runs far back into past history. It is, therefore, a most interesting study considered in itself. All this is peculiarly true of our own government, as will be explained hereafter.

However, this complicated and delicate machine is not an end, but only a means or instrument; as a means or instrument it is ordained, as the Declaration of Independence says, to secure to those living under it their rights—such as life, liberty, and the pursuit of happiness; and the extent to which it secures these rights is at once the measure of its character, whether good or bad.

It is also to be observed that a government which is good for one people is not of necessity good for another people. We Americans would not tolerate a government like that of Russia, while Russians could hardly carry on our government a single year. A good government must first recognize the general facts of human nature, then the special character, needs, habits, and traditions of the people for whom it exists. It roots in the national life and history. It grows out of the national culture. Since government is based on the facts of human nature and human society, it is not a mere crea-

ture of accident, chance, or management. In other words, there is such a thing as the science of government or politics. Moreover, to effect and to maintain a good working adjustment between government and a progressive society, is at once an important and difficult matter. This is the work of the practical statesman. And thus we are brought back again to the fact that the science of government is one of the most useful of studies.

Mention has been made of rights, and of the duty of government to maintain them. But rights always imply duties. For example: A may have a right to money that is now in B's possession, but A cannot enjoy this right unless B performs the duty of paying the money over to him. If no duties are performed, no rights will be enjoyed. Again, the possession of rights imposes duties upon him who possesses them. For example: The individual owes duties to the society or the government that protects him in the enjoyment of his rights. Rights and duties cannot be separated. Either implies the other. Accordingly, the practical study of government should include, not only rights, but also duties as well. The future citizen should learn both lessons; for the man who is unwilling to do his duty has no moral claim upon others to theirs.

The foregoing remarks are particularly pertinent to a republican government, because under such a government the citizen's measure of rights, and so of duties, is the largest. Here we must observe the important distinction between civil and political rights. The first relate to civil society, the second to civil government. Life, liberty of person, freedom of movement, ownership of property, use of the highways and public institutions, are civil rights. The suffrage, the right to hold

office under the government, and general participation in public affairs are political rights. These two classes of rights do not necessarily exist together; civil rights are sometimes secured where men do not vote, while men sometimes vote where civil rights are not secured; moreover, both kinds of rights may be forfeited by the citizen through his own bad conduct. Evidently political rights are subordinate to civil rights. Men participate in governmental affairs as a means of securing the great ends for which civil society exists. But the great point is this—republican government can be carried on successfully only when the mass of the citizens make their power felt in political affairs; in other words, perform their political duties. To vote in the interest of good government, is an important political duty that the citizen owes to the state. Still other political duties are to give the legally constituted authorities one's moral support, and to serve the body politic when called upon to do so. These duties grow out of the corresponding rights, and to teach them is an essential part of sound education.

It has been remarked that good government rests upon the facts of human nature and society, that such a government is a complicated machine, and that it is an interesting subject of study. It is also to be observed that the successful operation of such a government calls for high intellectual and moral qualities, first on the part of statesmen and public men, and secondly on the part of the citizens themselves. There are examples of an ignorant and corrupt people enjoying measurable prosperity under a wise and good monarch; but there is no example of a democratic or republican state long prospering unless there is a good standard of intelligence and virtue. This is one of the lessons that Washington

impressed in his Farewell Address: "In proportion as the structure of a government gives force to public opinion, it is essential that public opinion shall be intelligent."

Government deals with man in his general or social relations. Robinson Crusoe living on his island neither had, nor could have had, a government. Man is born for society; or, as Aristotle said, "man has a social instinct implanted in him by nature." Again, man is political as well as social; or, as Aristotle says, "man is more of a political animal than bees, or any other gregarious animal." Hence the same writer's famous maxim, "Man is born to be a citizen."

These last remarks bring before the mind, as a subject of study, man in his relations to his fellow men. The study of man in these relations has both practical and disciplinary value. At first man is thoroughly individual and egotistical. The human baby is as selfish as the cub of the bear or of the fox. There is no more exacting tyrant in the world. No matter at what cost, his wants must be supplied. Such is his primary nature. But this selfish creature is endowed with a higher, an ideal nature. At first he knows only rights, and these he greatly magnifies; but progressively he learns, what no mere animal can learn, to curb his appetites, desires, and feelings, and to regard the rights, interests, and feelings of others. To promote this process, as we have already explained, government exists. In other words, the human being is capable of learning his relations to the great social body of which he is a member. Mere individualism, mere egotism, is compelled to recognize the force and value of altruistic conviction and sentiment. And this lesson, save alone his relations to the Supreme Being, is the greatest lesson

that man ever learns. The whole field of social relations, which is covered in a general way by Sociology, is cultivated by several sciences, as ethics, political economy, and politics; but of these studies politics or government is the only one that can be introduced in didactic form into the common schools with much success. In these schools civil government should be so taught as to make it also a school of self-government.

It may be said that so much history and politics as is found in these volumes, or so much as can be taught in the public schools, does not go far enough to give to these studies in large measure the advantages that have been enumerated. There would be much force in this objection, provided such studies were to stop with the elementary school. But fortunately this is not the case. The history and the politics that are taught in the elementary school prepare the way for the history and the politics that are taught in the college and the university. Furthermore, and this is in one aspect of the subject still more important, they also prepare the way for much fruitful private study and reading in the home.

II. METHODS OF STUDY AND TEACHING.

Under this head history will be considered only so far as it is involved in politics. Our first question is, Where shall the study of government begin? The answer will be deferred until we have considered the general features of the government under which we live.

The United States are a federal state, and the American government is a dual government. Our present National Government dates from the year 1789. It was created by the Constitution, which, in that year, took the place of the Articles of Confederation. At that time the State governments were in full operation, and it was

not the intention of the framers of the Constitution, or of the people who ratified it, to supersede those governments, or, within their proper sphere, to weaken them. Experience had conclusively shown that the country needed a stronger National Government, and this the people undertook to provide. So they undertook to accomplish in the Constitution the objects that are enumerated in the Preamble.

“We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

The Constitution also formally denied some powers to the United States and some to the States; that is, it forbade the one or the other to exercise the powers so prohibited. (See Article I, sections 9, 10.) The understanding was that the mass of powers not delegated to the Union exclusively, or forbidden to the States, continued to remain in the hands of the people in their State capacities. Moreover, this understanding was expressly asserted in Article X of the Amendments.

Accordingly, the Government of the United States must be studied under two aspects, one National and one State. The case is quite different from what it would be in England or France, both of which countries have single or unitary governments. This duality makes the study more interesting, but more difficult, and suggests the question whether it should begin with the Nation or the State. The answer must be deferred until still other facts have been taken into account.

The powers that the State Governments exercise are exercised through a variety of channels. (1.) Some are exercised directly by State officers. For the most part these are powers that concern the State as a whole. (2.) Some are exercised by county officers within the county. (3.) Some are exercised by town or township officers within the town or county. (4.) Some are exercised by city or municipal officers within the city. (5.) A few fall to officers elected by divisions of townships, as road-masters and school directors.

Items 2, 3, 4 and 5 of this enumeration constitute Local government, which the people of all the States, in some form, have retained in their own hand. Here we meet a political fact that distinguishes us from some other countries, the vigorous vitality of local institutions. France, for example, although a republic, has a centralized government; many powers are there exercised by national officers that here are exercised by local officers, while there the state often asserts direct control over the local authorities. Strong attachment to local self-government, and opposition to centralized government, is one of the boasted glories of the English-speaking race. Subject to the State constitution, the State Legislature is the great source of political power within the State. The county, the township, and the city owe their political existence and peculiar organization to the Legislature.

Different States have organized local government in different ways. Speaking generally, there are three types—the Town type, the County type, and the Mixed type. The Town type is found exclusively in the New England States. It throws most of the powers of local government into the hands of the town, few into the hands of the county. The County type, which is found

in the Southern States and in a few others, reverses this method; it throws all local powers into the hands of the county, and makes the sub-divisions of the county merely an election precinct, the jurisdiction of the justice of the peace, and perhaps the unit of the militia company. The Mixed, or Compromise system, as its name implies, combines features of the other two. It makes more use of the county, and less of the town, than New England; more of the township, and less of the county, than the South. It is found in the Central States and generally, but not universally, throughout the West.

Now not much argument is needed to show that the study of government, even within the limits of the elementary school, should embrace the two spheres in which the American Government moves, the sphere of the Nation and the sphere of the State. Neither is much argument called for to show that the study of the State should embrace Local government, as well as State government proper. The argument on the whole subject divides into two main branches—the one practical, the other pedagogical.

Unfortunately, the time given to the study of government in the schools has not always been wisely distributed. For many years the National Government received disproportionate attention, and such, though perhaps in less degree, is still the case. But, important as the powers of the Nation are, the common citizen, in time of peace, has few relations with it outside of the Post Office Department, while his relations with the State are numerous and constant. President Garfield, in 1871, said: "It will not be denied that the State government touches the citizen and his interests twenty times where the National Government touches him once."

Still another point may be urged. An American State is a distinct political community. It is a separate commonwealth having its own constitution, laws, and officers. It has its own history. The people boast its services to the country. They point to its great names. They glorify the associations that cluster about its name. They dwell upon its typical or ideal life. All this is educative in a striking sense; such an environment necessarily reacts upon the people. Who can measure the effect of the old Bay State ideal, or the Old Dominion ideal, upon the people of either State ?

Once more, Local government has received too little attention as compared with State government proper. Township or county government is on such a diminutive scale that to many it seems a subject unworthy of serious study. But it is important to teach the youth of the county that their future prosperity and happiness, as a rule, will depend upon what is done by road-masters, school directors, township trustees or supervisors, county commissioners or county courts, city authorities, and the like, far more than upon what is done by the Governor or the President. The common citizen is tenfold more concerned in the proceedings in the courts held by justices of the peace and by county judges than in the causes that are decided by the Supreme Court of the United States.

Government is fundamentally an information or guidance study. It is put in the schools to teach the pupil how to perform his political duties intelligently when he comes to the state of manhood. In order that he may perform these duties intelligently, he must understand the nature and the ends of government, whether National, State, or Local, and the mode of its operation.

The fact is, however, that characteristic features of our government are ill understood by thousands of our citizens. The functions of the Executive and of the Judiciary are often confounded; likewise the functions of State authorities and National authorities. A multitude of citizens participate in every election of electors for President, who do not know how the President is elected. The line dividing the State sphere from the National sphere is a very hazy matter to many persons who consider themselves intelligent. Owing partly to this fact, and partly to the greater prominence of the Union, there is always a tendency in many quarters to hold the National authorities responsible for what the State authorities have or have not done. The adjustment of Local Government to the State and National Governments is another matter concerning which many are confused. Tax-payers can be found in every neighborhood who think the taxes that they pay to the township or the county treasurer go to Washington.

What has been said will suffice for the practical branch of the argument. Taking up the pedagogical branch, let us first observe the nature and the origin of the child's early education in respect to government.

It is in the family, in personal contact with its members, that the child forms the habits of obedience and deference to others. It is here that he learns, in a rudimentary and experimental way, that he is part of a social whole. Here he acquires the ideas to which we give the names *obedience*, *authority*, *government*, and the like. His father (if we may unify the family government) is his first ruler, and the father's word his first law. Legislative, executive, and judicial functions are centered in a single person. These early habits and ideas are the foundations of the child's whole future education in government, both practical and theoretical.

His future conception of the governor, president, king, or emperor is developed on the basis of the idea of his father; his conception of society, on the basis of the idea of his home; his conception of government by the State, on the basis of family government. Of course these early habits and ideas are expanded, strengthened, and adjusted to new centers.

While still young, the child goes to school. This, on the governmental side, is but a repetition of the home. It is the doctrine of the law that the teacher takes the place of the parent: *in loco parentis*. The new jurisdiction may be narrower than the old one, but it is of the same kind. The education of the school reinforces the education of the home in respect to this all-important subject. The habits of obedience and deference are strengthened. The child's social world is enlarged. At first he thought, or rather felt, that he was alone in the world; then he learned that he must adjust himself to the family circle; now he discovers that he is a member of a still larger community, and that he must conduct himself accordingly. The ideas of authority, obedience, law, etc., are expanded and clarified.

About the time that the child goes to school he begins to take lessons in civil government. This also is developed on the basis of his previous home-training. It begins at the very door-step. The letter-carrier, the policeman, the justice of the peace, and the postmaster introduce him to the government of the outer world. Some or all of these officers he sees and knows, and others he hears about. The very mail wagon that rattles along the street teaches its lesson, and so do other symbols of authority that confront him. He attends an election and hears about the caucus. As he grows older, the town council, the court of the local magistrate, and the constable or sheriff teach him the

meaning of the three great branches of government. His ears as well as his eyes are open. Politics is the theme of much familiar conversation to which he listens. With all the rest, he reads the newspaper, and so enlarges his store of political information.

Still other agencies contribute to the grand result. The church, public meetings, societies of various kinds, all teach the lessons of order and discipline.

Such, in general, are the steps by which the child makes his way out of the world of isolation and selfishness into the world of social activity and light. Such is the character of his early education in morals and politics. Nor is it easy to overestimate these early lessons. To suppose that the child's political education begins when he first reads the Constitution of the United States, is like supposing that his moral education begins when he is first able to follow the preacher's sermon.

All this training is unconscious and mainly incidental, and the more effective for that very reason. But such training will not meet the ends of intelligent citizenship. Nor can the political education of citizens be left to the newspaper and the political speaker. Government must be formally taught in the schools. But what shall be the order of study? Shall the child begin at Washington, at the State capital, or at his own home? In other words, shall he begin with the National Government, with the State government proper, or with Local government?

For a time the student of government should continue to work on the material that lies right about him, just as the student of geography should find his first lessons at home. On this point the arguments already presented are decisive. The practical argument shows that this will be the most useful course to pursue. The pedagogical argument shows that it is also the easiest, the

most natural, and the most successful. In general then the method should be—first, the Local Government; second, the State Government, and last, the National Government.

We have now reached a point where we can define more clearly and fully the special object of the series of books to which this is a general introduction. These books are designed for the first stage of the formal study of the subject of Government. They are written on the theory announced; viz.: that the child's political education begins at home, and should for a time proceed from the home outward. The series is appropriately named The State Government Series. A volume will be given to a State. The successive volumes will first present an outline sketch of the civil history of the State, and then outline sketches of the State and National Governments as they now exist and operate.

With two or three practical suggestions to teachers, this Introduction may fitly close.

The first of these suggestions is that if the proper course be taken, the study of the National system will not be deferred until the pupil has made a complete survey of the State System. The State system can no more be understood alone than the National system alone. When the intelligent pupil, and particularly a boy, is old enough to take up one of the volumes of this series, he will already have made some progress in discriminating the two systems. He will know that Congress and the President belong to the Nation, the Legislature and the Governor to the State. But at the outset it may be advisable for the teacher to broaden and deepen this line of division. This can be done, if need be, in one or more oral lessons devoted especially to the subject. Moreover, the teacher should keep an eye on this line from first to last. He should encourage the pupil to read the

Constitution of the United States, and in particular should direct his attention to the general powers of Congress as summed up in Article I, section 8, which are the driving wheels of the National Government.

The second observation is that unremitting care must be taken to make the instruction real. The common-places about the abstractness and dryness of verbal instruction, and particularly book instruction, will not be dwelt upon, except to say that they apply to our subject with peculiar force. The study of history, when it is made to consist of memorizing mere facts, is to the common pupil a dry and unprofitable study. Still more is civil government dry and unprofitable when taught in the same manner. There is little virtue in a mere political document or collation of political facts. The answer that the school boy made to the question, "What is the Constitution of the United States?" is suggestive. He said it was the back part of the History that nobody read. Hence the book on government must be connected with real life, and to establish this connection is the business of the teacher. On this point three or four particular suggestions may be made.

The teacher should not permit the Governor, for example, to be made a mere skeleton. He should see rather that he is made to the pupil a man of flesh and blood, holding a certain official position and exercising certain political powers. It is better to study the Governor than the Executive branch of the government; better to inquire, What does the Government do? than, What are the powers of the Executive?

The teacher should stimulate the pupil to study the political facts about him. He should encourage him to observe the machinery of political parties, the holding of elections, council meetings, courts of local magistrates, and the doings of the policeman, constable, and

sheriff. This suggestion includes political meetings and conversations upon political subjects. By observation an undue personal attendance upon such proceedings is not meant. To that, of course, there might be several objections.

Pupils in schools should be encouraged to read the newspapers, for political among other reasons. The publications prepared particularly for school use to which the general name of "Current Events" may be given, are deserving of recommendation.

Still another thought is that the study be not made too minute. It should bear rather upon the larger features of the special topics. This remark is particularly applicable to the judiciary, which nearly all persons of ordinary education find more or less confusing.

The suggestions relative to observation of political facts are peculiarly important in a country like our own. To understand free government, you must be in touch with real political life.

In teaching Civil Government, the first point is to develop Civic Spirit—the spirit that will insist upon rights and perform duties.

The last word is a word of caution. The method that has been suggested can easily be made too successful. Our American atmosphere is charged with political interest and spirit; and, while the pupil who takes a lively interest in current politics, as a rule, will do better school work than the pupil who does not, the teacher must exercise care that partisan spirit be not awakened, and that occupation in current events do not mount up to a point where it will interfere with the regular work of the school.

B. A. HINSDALE.

University of Michigan, 1895.

PART I

HISTORY OF MINNESOTA

CHAPTER I

THE PEOPLE WHO LIVED HERE BEFORE US

1. **The Dakotas.**—When the territory now included in Minnesota was first visited by Europeans, it was in possession of a tribe of Indians calling themselves Dakotas, a name meaning “allied,” or “joined in friendly compact.” From the earliest days, there were three great divisions of the tribe living on terms of friendship, having the same laws and customs. Each of these divisions was subdivided into bands, and the bands into groups or villages, each village having its own chief. The largest of the great divisions dwelt in the lake region towards the sources of the Mississippi. To the south and west dwelt the other divisions. Their villages were on the lakes and streams where game was most abundant and their hunting parties scoured the vast prairies between the Mississippi and the Missouri. The dwellers in the lake region were known to the earliest explorers as “People of the Lakes;” the dwellers on the prairies were sometimes called “People of the Plains.”

2. **The Ojibways, or Chippewas.**—Living in the region south of Lake Superior, its chief village on the

Island of La Pointe, was a powerful Indian tribe known as Ojibways, or Chippewas. The Chippewas were the ancient enemies of the Dakotas,¹ and more than two hundred years ago they were making incursions to the southwest in search of their foes in the valley of the Mississippi, and many bloody battles had then been fought. A century later the Chippewas had driven the Sioux from their hunting-grounds in the region of Mille Lacs, and as early as the close of the American Revolution they were trapping, fishing, and making maple sugar on the shores of Leech Lake and other lakes in that region. The Sioux were forced to the south of an irregular line extending from the Standing Cedars, on the St. Croix "one day's paddle above the lake," to a point on the Mississippi above the mouth of the Sauk River; but the bloody strife continued, with brief intervals of peace, down to 1858, when the last battle was fought between roving bands of the tribes. After the "Outbreak," in 1862, the whites drove the Sioux beyond the Missouri. The remnants of the Chippewas, to the number of 12,000 or more, still remain on reservations in the northern part of the state.

In October, 1894, Mr. J. V. Brower, commissioner of Itasca State Park, at the head of the Mississippi, "discovered and located the site of a lost village of the pre-historic Mound Builders at the north end of Itasca Lake and marked the site by the erection of an oak tablet, properly inscribed and painted." . . . Stone and copper implements, broken pottery, and other relics lie concealed

¹ The Chippewas called the Dakotas "Nadowaysioux," a name meaning enemies. The French took the last two syllables of the word as the name of the Dakotas, giving rise to the word "Sioux," now commonly used.

under the surface of the ground for about half a mile along the lake. Nearly three hundred specimens were excavated. The village seems to have been occupied for a long time, for the remains of a workshop and shell-heap of considerable size were found; and the specimens of pottery indicate a varied and curious collection for domestic purposes, in size both large and small. It is also now known, for the first time, that these extinct people resided in different localities along the Mississippi in its head-water basin.—See *Legislative Manual*, 1895, pages 223-224.

3. Origin of Names. — The familiar names Wadena, Anoka, Mendota, Shakopee, Kasota, Mankato, Wabasha, and Winona are derived from the language of the Dakotas. Minne-Sotah, the Dakota name for the river that runs nearly across the state, is a compound word meaning “sky-tinted water.” The state took its name from this river.

4. Traits and Customs. — Although the Sioux and Chippewas were mortal enemies, their traits and customs were much the same. The men were proud, brave, and revengeful, and despised all civilized modes of making a living. To be great warriors was their highest ambition; and when they were not sleeping or hunting, they were lying in wait for their enemies, whose scalps they regarded as trophies of prowess. Toil was becoming to women only. When traveling, the wife carried her pappoose, the camp-kettle, and other articles on her back, while her husband rode the pony with no load but his gun. The women peeled the bark, gathered the rushes, cut the poles, and prepared the skins for the wigwam. They made the clothes for the family, raised the corn, built the canoes and cared for the children.

5. Clothing and Food. — In early days, the Indians wore moccasins, shirts, and leggins of finely-

dressed skins of the deer and the elk. Their food consisted of fish, flesh, corn, wild rice, and wild roots. They ate the flesh not only of buffalo, deer, bear, geese, ducks, and grouse, but also of muskrats, dogs, wolves, cranes, hawks, and owls.

6. Domestic and Other Implements.—The Chipewas made nets of the inner bark of the bass and cedar, and of the fiber of the nettle; knives from the ribs of the moose and buffalo; and awls from the thigh-bone of the muskrat. A sharp stone tied to the end of a stick answered for an ax. Bows of wood, stone arrow-heads, and spear-points of stone, or bone, formed their implements of war and of the chase. They caught the bear and the wily beaver with dead-falls, and the huge moose with a noose of rawhide tied to a strong, bent sapling. Their canoes were made of birch bark and strips of cedar sewed together with the thread-like roots of the pine or tamarac, and made tight with pitch from the pine or balsam.¹

7. Intercourse with the Whites.—After the whites came among the Indians, their bows and arrows, their knives and spears of bone, and their axes of stone were cast aside for the gun, the knife, and the ax of steel; and their kettles and other vessels of clay, for utensils of iron, brass, or copper. The Indians soon became aware of the value of furs to the white strangers, and with firearms and traps obtained from them they commenced an indiscriminate slaughter of the beaver and other animals which heretofore had been killed only for food or clothing. So, in a compara-

¹ See *History of the Ojibway Nation*, by William W. Warren, Vol. V., p. 97, Minnesota Historical Society Collections.

tively short time after trade had begun with the whites, game became scarce, and the Indians were often forced to endure hunger and cold.

3. Effects of "Firewater."— But the lot of the Indian was made much worse by his thirst for "fire-water" sold him by unprincipled whites. Whisky became his greatest enemy. For it he gave his gun, robe, and pony. It not only made him poor, but it led to numberless quarrels, to burnings, to freezings, to murder; and though the missionaries, other good citizens, and the government itself sought to stay the evil, little was accomplished, and the Indian came to be regarded as a most undesirable neighbor.¹

¹ See topics for recitation and review, page 196.

CHAPTER II

EARLY EXPLORERS

9. Coming of the French.—In 1534, James Cartier, a Frenchman, discovered the St. Lawrence, and explored it as far as the present site of Quebec. The next year he ascended the river to Mont Real, the lofty hill for which Montreal was named. Thereafter, all the country drained by the St. Lawrence was claimed by the French. Many years later, the King of France granted the “basin of the St. Lawrence and all the rivers flowing through it into the sea” to a company whose leader was Champlain, the founder of Quebec, which became the capital of New France, whose then unexplored territory stretched westward to the source of the St. Lawrence within the boundaries of what is now Minnesota. In 1613-15 Champlain explored the Ottawa River, and the Georgian Bay to Lake Huron, and missions were established in the Huron country. Missionaries and fur traders were the most active explorers of the new possessions. They followed the shores of the Great Lakes towards the source of the St. Lawrence, penetrating farther and farther into the wilderness. As they went, they made friends of the Red Men, established trading posts, and raised the cross of Christ. In 1641, Jogues and Raymbault, of the Society of Jesus, after a long and perilous voyage in frail canoes and bateaux, reached the Sault Ste. Marie, where they heard of a larger river, the

Mich-is-ip-e, flowing southward to the sea, and of a powerful Indian tribe dwelling near its headwaters. Stories of vast, fertile plains, of numberless streams, of herds of buffalo, and of many peoples, in regions far to the west and south, roused missionaries and traders anew, and they pushed forward towards the setting sun.

10. Groselliers and Radisson.—In 1659, fifty years after the founding of Quebec, Sieur Groselliers and Sieur Radisson, proceeding westward from Lake Superior, entered what is now Minnesota. They spent some time in the “forty villages of the Dakotas,” in the vicinity of Mille Lacs, and probably were the first white men to set foot on the soil of our state. On their return to France the following year, they gave the civilized world the earliest reliable account of the Dakotas and of the region where they dwelt.

11. René Menard.—René Menard, a Jesuit missionary, reached the Mississippi in 1661, by way of the Wisconsin. This was twelve years prior to its discovery by Marquette and Joliet,¹ and to Menard must be given the honor of the discovery of the upper waters of the great river.² Menard ascended the Mississippi to the mouth of the Black River, Wisconsin, and was lost in the forest near the source of that stream, while attempting to carry the gospel to the Hurons. His sole companion “called him and sought him, but he made no reply, and could not be found.” Some years later his camp kettle, robe, and prayer-book were seen in possession of the Indians.

¹See preface to third edition of Neill's *History of Minnesota*, page 4.

²Some writers have claimed that Sieur Nicollet in 1639 was the first Frenchman to reach the Mississippi, after the visit of De Soto.

In 1673, Father Jaques Marquette and Louis Joliet, who had spent several years among the Indians in the region of the Great Lakes, set out to explore the great river of which they had heard much. Leaving Lake Michigan they ascended Green Bay and Fox River, crossed the portage to the Wisconsin River, and, floating down stream, entered the Mississippi on the 17th day of June. They descended the Mississippi to the mouth of the Arkansas. From this point they returned to Lake Michigan by the way of the Illinois, the Desplaines and the Chicago Rivers. The explorations of Marquette and Joliet did not extend to any portion of what is now Minnesota. Marquette remained among the Indians, and was greatly beloved by them. He died on the 18th of May, 1675, near the mouth of the Marquette River, in what is now Michigan. Joliet returned to the St. Lawrence, in whose rapids, near Montreal, he lost the box containing all the records of his explorations.

12. Allouëz.—In the summer of 1663 the intelligence of the fate of Menard reached Quebec, and one was soon found worthy to be his successor. On the 8th of August, 1665, Father Claude Allouëz, who had anxiously waited two years for the means of conveyance, embarked for Lake Superior with a party of French traders and Indians. He visited the Minnesota shores of Lake Superior in the fall of 1665, established the Mission of the Holy Spirit at La Pointe, now in Wisconsin, and, we are told, "was the first to write 'Messipi,' the name of the great river of the Sioux country" as he heard it pronounced by the Chippewas, or, rather, as he understood it.

13. Duluth.—In 1678, Daniel Graysolon, the Sieur Duluth, under commission of the governor of Canada, set out from Québec to explore the country west of Lake Superior. He was to take possession of it in the name of the king of France, and secure the trade of the native tribes. Duluth entered Minnesota

in 1679, reaching the great Sioux village of Kathio, at Mille Lacs, on the 2nd of July. "On that day," he says, "I had the honor to plant His Majesty's arms where a Frenchman never had been."

14. Hennepin.—In the summer of 1680, Father Louis Hennepin, a native of the Netherlands, with two companions, set out to explore the Mississippi above the mouth of the Illinois. The long journey was made in a canoe heavily laden with merchandise for trade with the Indians he might meet on the way. Hennepin discovered the Falls of St. Anthony, and named them in honor of St. Anthony of Padua, his patron saint. He was captured by a party of Indians, who took him to Mille Lacs, where he remained a prisoner for several weeks, but without serious inconvenience to himself. On his return, Hennepin met Duluth and descended the river in his company. He spent his last days in Europe, "where he died in obscurity, unwept and unhonored."

Father Hennepin joined Robert La Salle's expedition that sailed from the foot of Lake Erie, in a full-rigged vessel named the Griffin, on the 7th of August, 1679. This vessel was built by the artisans of the expedition, and was the first European ship to plow the waters of the Great Lakes. The party left the ship at Green Bay, procured canoes, and proceeded southward along the coast of Lake Michigan, ascended the St. Joseph River, crossed the portage to the Kankakee, down which it floated to the Illinois, on whose banks, near Lake Peoria, La Salle erected a fort, which he called Crevecœur (broken heart), on account of his many disappointments. In the month of February, 1680, La Salle selected Hennepin and two experienced traders to explore the Upper Mississippi. La Salle himself returned to Canada, but he could not give up the idea of taking possession of the Mississippi Valley in the name of France, and two years later he again reached the Illinois, which he descended to the Mississippi, on whose broad waters he floated to the Gulf of Mexico, which he reached April 9, 1682.

15. Le Sueur.—The first explorer of the Minnesota River was M. Le Sueur, who, in the autumn of 1700, sailed up the river to the mouth of the Blue Earth, near which he built a post, or fort, in which the winter was spent. In the spring of 1701, Le Sueur left the post in charge of thirteen men, and, taking with him a quantity of "blue earth," returned to the Mississippi, down which he floated to a French port on the Gulf of Mexico, whence he had set out in April, 1700.

The French explorers called this river the St. Pierre, a name by which it was known for nearly two hundred years, the English changing its form to St. Peter's. In 1852, Congress passed an act ordering the name "St. Peter's" discontinued in public documents, and "Minnesota" employed in its stead.

The green, or blue, earth was dug from the bank of the Blue Earth River. It was mistaken for an ore of copper, and 4,000 lbs. was taken to Paris to be assayed.

16. Jonathan Carver.—Sixty-six years after the journey of Le Sueur, and three years after the lands east of the Mississippi had been ceded to Great Britain,³ Jonathan Carver, the first American explorer to visit the Northwest, was on his way up the Mississippi. He followed the river from the mouth of the Wisconsin to the mouth of the Elk, some distance above the Falls of St. Anthony, returned to the mouth of the Minnesota, which he ascended to the Cottonwood, where he spent the winter of 1766-67, among the Indians. In the early spring, Carver returned to the present site of St. Paul, accompanied by a large

³ In 1763 the French lost their possessions in the New World; the Lilies of France were lowered, and the British flag, the Cross of St. George, floated in its stead over all the vast region east of the Mississippi hitherto claimed by France.

number of Indians, who treated him as a distinguished guest. Carver's journey was made more than fifty years before Ft. Snelling was built, and when the nearest English settlements were hundreds of miles away. In his book, published in Dublin in 1779, he gives a description of Lake Pepin; of the Falls of St. Anthony, with a cut of the same; and of the valley of the Minnesota. He speaks of the origin, manners, customs, religion, and language of the Indians; and has a chapter on the animals, trees, shrubs, roots, and flowers of the country, but many of his statements are said to be inaccurate.

CHAPTER III

LATER EXPLORERS

17. Territorial Changes.—In 1783, following the Revolutionary War, Great Britain ceded her possessions east of the Mississippi and south of Canada to the United States; and, in 1803, Napoleon, First Consul of France, sold to President Jefferson the vast region west of the Mississippi, known as Louisiana, so that all the territory now included in Minnesota passed to the control of the United States, and a new era of exploration began.

18. Source of the Mississippi.—In 1802, William Morrison, an American fur trader, went to Leech Lake. A year later he followed the Mississippi to Lake Itasca, traced its shores, and observed the five small streams that flow into it. There were no indications of white men having preceded him, and Mr. Morrison is regarded as the discoverer of the source of the Mississippi.

19. Pike's Expedition.—In 1805, the Government sent its first commissioner, Lieut. Zebulon M. Pike, to explore the Upper Mississippi; to deal with British traders, who were violating the laws of the United States; and to form alliances with the Indians, who were being taught to despise its authority. Lieut. Pike proceeded up the river from Prairie du Chien in two bateaux. He reached the mouth of the Minnesota late in September, and at once held a council

with a large band of Sioux headed by Little Crow. At this council the Indians heard their first speech from an officer of their Great Father, the President, and, being well pleased with the message brought from him, they ceded the military reservation on which Ft. Snelling was built in later years, and sent pipes of peace to the Chippewas, living to the north.

This cession included a tract of land at the mouth of the St. Croix, and also a tract beginning below the confluence of the Mississippi and St. Peter's, and extending up the Mississippi to include the Falls of St. Anthony, and nine miles on each side of the river.

Pushing on to trading posts farther up the river, Lieut. Pike found the British flag still flying over them, though the land had been ceded to the United States more than twenty years before. But the traders received him kindly and assured him of their willingness to obey the laws of his country; and on the 10th of February, 1806, the American flag was run up for the first time at Leech Lake in place of the Cross of St. George, the emblem of British rule. Called together in council, the Chippewas pledged friendship to the United States, agreed to give up their British flags, and sent messages of peace to the Sioux. On his return to the mouth of the Minnesota, Lieut. Pike found a large number of Sioux braves awaiting him; another council was held, and pipes of peace were again passed from mouth to mouth. In the early spring of 1806, Lieut. Pike left, well satisfied with the results of his hard labor. But the British traders broke their pledges, stirred up the savages, and, in the war of 1812, incited them to take arms against the Americans.

20. Long's Expedition, 1817.—In 1817, Maj. Stephen H. Long, of the United States Corps of Engineers, made a journey from St. Louis to the Falls of St. Anthony in a six-oared skiff. His party consisted of a friend, seven soldiers, and a half-breed interpreter. Two grandsons of Jonathan Carver accompanied them in a bark canoe.¹ Maj. Long gives the following description of the scenery along the Mississippi in the vicinity of Trempeleau: "Hills marshaled into a variety of pleasing shapes, some of them towering into lofty peaks, while others present broad summits embellished with contours and slopes in the most pleasing manner; champaigns and waving valleys; forest lawns and lakes alternating with each other; the humble Mississippi meandering below and occasionally losing itself in numberless islands; all these give variety and beauty to the picture, while rugged cliffs and stupendous precipices here and there present themselves as if to add boldness and majesty to the scene." Maj. Long also describes the place where Ft. Snelling now stands, the Falls of St. Anthony, and other geographical features of interest.

21. Expedition of Governor Cass.—In 1820, Lewis Cass, Governor of Michigan,² with a corps of scientific men and an escort of United States soldiers, set out from Detroit for the purpose of exploring the

¹Jonathan Carver claimed to have received from the Indians a deed to a vast tract of land extending from the Falls of St. Anthony along the river to the mouth of the Chippewa, and his grandsons were seeking to make good the claim.

²Michigan then included that part of Minnesota east of the Mississippi, and Gov. Cass set out to explore his own territory.

Upper Mississippi. The expedition proceeded in canoes and bateaux by way of the Great Lakes to the head of Lake Superior, spending nearly six weeks in reaching that point. It then ascended the St. Louis River, followed the old portage route to Sandy Lake, and from that point went to Cass Lake, which Gov. Cass believed to be the principal source of the Mississippi. Descending to the mouth of the Minnesota, where Ft. Snelling was being built, Gov. Cass held a council with the chiefs of the Sioux and Chippewas, in which he urged them to smoke the pipe of peace, but to little permanent effect. On his way down the river, the villages of the chiefs Little Crow, Red Wing, and Wabasha were visited, the last two situated where Red Wing and Winona now stand.

22. Long's Expedition, 1823.—Three years later, Maj. Stephen H. Long took charge of an expedition for exploring the Minnesota River, the Red River, and the country along the northern boundary between Red River and Lake Superior. In the party were Samuel Seymour, artist; Prof. W. H. Keating, geologist, and Thos. Say, zoölogist. Joseph Renville and Joseph Snelling, son of Col. Snelling, acted as interpreters. On July 9, 1823, the expedition left Ft. Snelling in two divisions—one proceeding by land, the other, most of the way, by river. From Big Stone Lake, at the head of the Minnesota, the expedition crossed to Lake Traverse, and traveled by land down the Red River Valley to Pembina. Here the explorers made astronomical observations to determine the boundary between the United States and Canada, set an oak post on the line, hoisted the American flag, and fired a

salute in its honor. From this point the expedition descended the Red River to Lake Winnepeg; thence crossing to Lake of the Woods, it followed the usual water route to Sturgeon Island in Rainy Lake, from which it took a northeast overland course to Lake Superior. The notes and manuscripts of the several members of the party were published by Prof. Keating, and though the progress of the expedition was too rapid for thorough exploration, the collections and the notes on geographical and geological features make the work of much value.

With Maj. Long's party was an Italian gentleman of a romantic and sentimental cast of mind, named J. C. Beltrami, who accompanied the expedition as far as "Pembinar," where he set out to make discoveries on his own account. He reached the Mississippi, and descended it to New Orleans, where he published his notes in French. But his numerous errors and romantic style make his statements very unreliable as a source of information. See *Geology of Minnesota*, Vol. I., page 44.

23. Schoolcraft's Expedition.—In 1832, the Government organized another expedition to explore the sources of the Mississippi, to establish peace between the Sioux and Chippewas, to supervise the fur trade, to collect statistics, and to extend the benefits of vaccination to the Indians, for which the Congress of that year had made provision. The expedition was in charge of Henry R. Schoolcraft and Lieut. James Allen. Dr. Douglass Houghton, scientist, and Rev. W. T. Boutwell, missionary, were of the party. From Lake Superior, the expedition proceeded to the Mississippi by the St. Louis and Sandy Lake route. Lake Itasca was reached some time in July, and supposing himself to be the first white man to explore the

region, Schoolcraft gave the lake a name,¹ and for many years he was regarded as the discoverer of the source of the Mississippi. Returning by way of Leech Lake, a portage was made to the Crow Wing, which the party descended to Ft. Snelling. Schoolcraft met several of the Indian chiefs, who, as usual, desired to smoke pipes of peace with all their enemies, though Little Crow wished a new boundary line between the Sioux and the Chippewas to be drawn without further delay. Lieut. Allen, who was in charge of the military department of the expedition, made a map of the entire northern section of the region visited, and prepared a report which abounds in interesting description.

24. G. W. Featherstone, an Englishman, made a slight geological survey of the Minnesota Valley during the summer of 1835. On his return to England, he published a book entitled "Canoe Voyage Up the Minnaysotar," but the work is of little value.

25. Catlin.—The same year George Catlin, an artist and noted delineator of Indian manners and customs, visited the pipestone quarries in southwestern Minnesota, and made many truthful and interesting sketches, which, with others, were published by him. Catlin's journey was made on horse-back, with a friend and an Indian guide as companions.

26. Nicollet.—To Jean N. Nicollet, more than to anyone who preceded him, we are indebted for the earliest reliable geographical knowledge of several sections of the state. On July 26, 1836, Nicollet left

¹ Rev. W. T. Boutwell, who accompanied the expedition, says that the name *Itasca* was derived from the Latin words *veritas* and *caput*, meaning *true source* (*ver-itas-ca-put*).

Ft. Snelling to explore the sources of the Mississippi, taking with him a telescope, barometer, and other scientific instruments. He made a careful survey of Lake Itasca and its surroundings, and traced each of the streams flowing into it, naming the largest the "Infant Mississippi." Returning to the Mendota Agency in the autumn, Nicollet spent the winter in studying the Dakota language. The following year he went to Washington, where he was commissioned to explore the territories in the Northwest and report on their resources. John C. Fremont, afterwards famed as the "Pathfinder," was detailed as his assistant. On this expedition, Nicollet visited the pipestone quarries, the Coteau des Prairies, the Blue Earth Valley, the Cannon Valley, Castle Rock, and other important localities. His map of the "Basin of the Upper Mississippi," published by order of congress, in 1845, is regarded as very accurate.

27. Owen.—Under instructions from the general government, David Dale Owen explored large portions of the state during the summers of 1847, '48, '49, '50. He visited the region bordering on Lake Superior, a portion of the lakes and streams along the northern boundary, the St. Croix, the Upper Mississippi, the Minnesota, and Red River Valleys. Owen's report, published by the United States government, contains many fine maps, plates, and pictorial illustrations, and is of great scientific value.

28. Geological and Natural History Survey.—In 1872, the legislature made provision for the geological and natural history survey of the state. The geological survey has been in progress since October

of that year, when Prof. N. H. Winchell entered the field alone. It is now nearing completion. The botanical and zoölogical survey began in 1892, and the topographical, in 1887.¹

¹ Twenty-three annual reports, three final reports, ten bulletins, and other documents relating to plants, birds, etc., have been issued, affording valuable information to teachers in schools where nature study has a place, and to citizens who are interested. These documents are deposited in all public libraries and in the auditor's office in every county.

CHAPTER IV

THE FUR TRADERS

29. Early Trading Posts.—The first trading posts on the Upper Mississippi were built by Nicholas Perot in 1685 and 1686. One, a small stockade, stood a few miles above the mouth of the Black River, Wisconsin; another, somewhere above the Chippewa. To both of these posts, Indians from Minnesota brought their furs. The first post on Minnesota soil was erected by Le Sueur in 1695. It stood on Isle Pelee, a beautiful prairie island in the Mississippi, not far above Lake Pepin. For a long time it was the center of a large trade. Later, other posts were established by the French at convenient points, and the trade was extended over the vast region now included in Minnesota, and far beyond. A trading post usually consisted of several buildings, a fort with its walls pierced for musketry, a provision store, a warehouse where goods and furs were stored, and houses used for living rooms. All were built of logs and surrounded by a stockade consisting of long posts set side by side in the ground.

30. How the Trade Was Carried On.—The French government granted licenses to military officers, allowing them to trade with the Indians. These officers sold their licenses to regular traders, or employed agents to transact their business. As there were no railroads, steamboats, or even wagon roads,

all goods sold to the Indians, and all supplies used at the posts, were carried hundreds of miles in canoes and bateaux. Furs were transported in the same manner. Montreal was then the headquarters of the French traders, and every summer goods were put in packages of from eighty to ninety pounds and sent to all the posts, where they were exchanged for furs, to be conveyed to Montreal the following summer. A stock of goods for the Indian trade consisted mainly of rum, tobacco, guns, powder, lead, blankets, knives, hatchets, ribbons, paints, beads, and other trinkets.

The agents at the posts employed Canadian boatmen to push the trade among the Red Men. These boatmen, known as *coureurs des bois*, threaded the streams to the most remote villages, and associated on equal terms with the savages. They lost all relish for civilized life, and often became dissipated. As the Indians could make no use of money, trade was carried on by exchange. Beaver skins were the standard of value. One beaver skin was given for a pound of shot or a knife, two skins for an ax or a pound of powder, twenty for a gun, and thirty for a small keg of rum. A bear skin or a buffalo hide was equal in value to a beaver skin.

31. British Posts.—The fur trade was very profitable, and for many years the French held it in their own hands. But as early as 1761, when the French power in America was rapidly waning, the English began to secure the trade of the Northwest; and after the treaty of Versailles, in 1763, they came into possession of all the posts. For a brief period follow-

ing 1763, the trade with the Indians was almost exclusively confined to the Hudson Bay Company; but in 1766 private adventurers began to compete, and in 1783 the most wealthy of these individuals united their stocks and established the Northwest Company, with headquarters at Montreal. A powerful rivalry sprang up between the Northwest Company and the Hudson Bay Company, and desperate collisions often took place. In 1798, the Northwest Company alone had over forty clerks, fifty interpreters, and six hundred canoe-men in Minnesota. These fur companies were composed of British subjects; and, although the territory east of the Mississippi had come into the possession of the United States, the companies ignored this fact, and, even as late as 1794, the Northwest Company erected an extensive post at Sandy Lake, and down to the closing years of the eighteenth century, it continued to erect posts throughout Minnesota, to fly the British flag above their walls, to hold the Indians loyal to British rule.

32. Coming of Americans.—To the American Fur Company, organized by John Jacob Astor, in 1809, the Northwestern Company transferred its posts south of the Canada line. Thereafter, the trade in Minnesota passed into the hands of the American Company. In 1816, Congress passed a law excluding foreigners from the Indian trade; and four years later, for the encouragement of the fur trade and the protection of the frontier, Ft. Snelling was established.

CHAPTER V

COMING OF THE MISSIONARIES

33. Zeal of the Fathers.—From the writings of the Jesuits we glean the meagre details of the earliest explorations of the Northwest. Paul de Jeune was the first to mention the Dakotas ; Father Menard, who sought to establish an Indian mission, first saw the Upper Mississippi, and Father Hennepin named the Falls of St. Anthony. But, while many of the early explorers were fired with missionary zeal, little could be accomplished in those times, and it was one hundred and fifty years after Hennepin's journey before permanent missions were established among the Indians of Minnesota.

34. Early Protestant Missions. — In October, 1833, Rev. W. T. Boutwell went to Leech Lake, where there was a large band of Chippewas, and established the first Protestant mission west of the Mississippi. Three years later a second mission among the Chippewas was established at Pokegama Lake, on Snake river, about twenty miles above its junction with the St. Croix. The first attempt to instruct the Sioux in letters or in religion was made in 1834. In May of that year, two brothers, Rev. Samuel W. Pond and Gideon H. Pond, began their ministrations to the small bands dwelling in the vicinity of Lake Calhoun; and, in 1835, Rev. J. D. Stevens and wife located a mission at Lake Harriet. Both of these missions were within the present limits of Minneapolis. The same year Rev. T. S. Williamson established a mission at Lac qui Parle.

Dr. Williamson's party was seventeen days on the journey up the Minnesota from Ft. Snelling to Lac qui Parle, "without seeing man or beast." On its arrival the party was warmly welcomed by Joseph Renville, a man of mixed white and Indian blood, after whom Renville county was named. Renville's name is closely identified with the early history of Minnesota. He had great influence with the Indians, and was the trusted friend of the whites. No one left his door hungry, and his trading post at Lac qui Parle was the home of the traveler. He became a member of the church established at the mission, and his wife was the first pure Dakota to profess the religion of Christ, the first to die in the Christian faith. John Other Day, who saved sixty lives at the time of the Sioux outbreak, was another convert.

From 1837 to 1841, missions were located at the villages of the Wabasha and Red Wing bands; at Kaposia, five miles below St. Paul, and at Red Rock. In 1837, the missionaries were cheered by the arrival of Rev. S. R. Riggs, who, in 1843, established a mission at Traverse des Sioux, near the present site of St. Peter, and for a quarter of a century was one of the most active and prominent workers in the Northwest.

Having labored eleven years at Lac qui Parle, Dr. Williamson left the station in charge of Dr. Riggs, and removed to Kaposia, where he preached to the Indians for six years. He died at his home in St. Peter, in 1877, in his eightieth year, having labored among the Sioux for twenty-seven years.

Dr. Riggs became an eminent Dakota scholar. Aided by Dr. Williamson and the Ponds, he printed readers, hymn books, story books, testaments, and other religious works in the Dakota language, for use in the schools, meetings, and families of the Indians. His dictionary of the Dakota language was published by the Smithsonian Institution at Washington, D. C.

35. Mission Schools.—Schools were established in connection with the several missions, in which reading, spelling, writing, and the elements of arithmetic were taught. But, as the Indians in general cared nothing for education, the teacher found his task a

difficult one, though he was sometimes greatly encouraged by the rapid progress of a bright boy or girl.

Mr. Boutwell wrote: "The Indian children were, at first, terrified at my approach, but they soon came to sit on my knee while I taught them to read and to sing simple songs. In six weeks, one boy of ten years was able to read and spell in two syllables in his own language, to count one hundred in Indian and forty in English, to repeat and sing several hymns in Indian, and was committing the ten commandments."

36. Manual Labor.—When the missionaries found that "the motives of the Gospel, in themselves considered, had no more influence over the savage than over the deer he follows in the chase," they taught him to labor, hoping in that way to fit him for the reception of the Gospel. So, at every station of importance, the women and girls learned to make, mend, wash, and iron after the manner of the whites, and the men and boys learned to handle the ax, to build log houses, to drive team, to plow, to sow, to plant, and to hoe.

At Lac qui Parle, in 1838, the first flax and wool were spun; a year later, the first web of linsey was woven. The work was done by Sioux women and girls, taught by the wife of Farmer Huggins, who was connected with the mission.

37. Early Catholic Missions.—In the month of October, 1841, Father Lucian Galtier began to prepare the logs for a church to be erected on the present site of St. Paul. Early in November, the structure was completed, blessed, and dedicated to St. Paul, the apostle of the nations; and, writes Father Galtier, "I expressed a wish that the settlement would be known by the same name, and my desire was obtained."¹ Rev. Augustin Ravoux, a native of

¹ See Williams's *History of St. Paul*, page 111.

France, reached Minnesota in 1841. While studying the Indian language, he preached to the savages by interpreters, laboring at Traverse des Sioux, at Little Rock trading post, and at Lac qui Parle. He taught the catechism to the half-breed families at Mendota, established a mission at Little Prairie, now Chaska,



CHAPEL OF ST. PAUL, FROM WHICH
ST. PAUL TOOK ITS NAME.

and while there, wrote several volumes in the Indian language, one of which, published in 1843, was entitled "Wa-kan-tan-ka-ti-can-cu,"—"Path to the House of God." Father Ravoux made many converts among the Indians, and was universally respected by the whites.¹

¹ See Stevens's *Minnesota and its People*, page 57.

CHAPTER VI

EARLY SETTLEMENTS

38. Fort Snelling.—In February, 1819, the War Department ordered a portion of the fifth regiment of the United States infantry, stationed at Detroit, Michigan, to proceed to the junction of the Minnesota and Mississippi rivers to establish a military post. The expedition reached its destination late in September, and rude barracks were at once erected in which the winter was passed in great discomfort, many of the soldiers suffering from scurvy.

The expedition proceeded to Prairie du Chien by way of the Great Lakes and the Fox and Wisconsin rivers. From Prairie du Chien it ascended the Mississippi in keel boats, which, for weeks, "dragged their slow length along" in the low water of that year.

The following autumn, Col. Josiah Snelling took command, and the erection of Ft. St. Anthony was begun. The corner-stone was laid Sept. 10, 1820, but the fort was not occupied until the fall of 1822. By recommendation of General Scott, the name of the fort was changed to Ft. Snelling, in honor of its builder. The establishment of a military post near the head of navigation directed attention to this portion of the Northwest, and the post became a center of civilization. From it exploring parties set out, and to it they returned; missionaries and traders were welcomed by its officers; the savages were held in check, and the earliest settlers felt a sense of security.

39. Swiss Settlers.—In 1827, a party of Swiss, who had endured great hardship in Lord Selkirk's settlement on the Red River, in what is now Manitoba, came to Ft. Snelling, where they were kindly received and allowed to settle on the "Reservation," a little above the fort, on the west side of the river. Here they opened farms, and, having brought cattle with them, soon became prosperous farmers, the first in Minnesota. Down to 1836, nearly five hundred of these hardy colonists had reached Ft. Snelling in search of homes, and other parties came later. So it happened that the Swiss were among the earliest settlers of St. Paul, Mendota, St. Anthony, and Stillwater.

The first agricultural immigrants into Minnesota, the vanguard of the vast army that in later years poured over it, came from the frozen north—a sort of Norman invasion of a peaceful kind.—Williams's *History of St. Paul and Ramsey County*.

When the Swiss came to Minnesota, they were permitted to occupy portions of the military reservation. But, in 1839, the reservation was surveyed, and its boundaries extended far beyond what had been the original intent. The settlers were then considered intruders, and on the 6th of May, 1840, they were driven off by military force and every cabin destroyed. The poor Swiss then gathered their effects and again set out to find homes.

40. First Cession of Lands.—Prior to the year 1837, not an acre of land in Minnesota was open to settlement. Save the military reservations, every foot of it belonged to the Indians. On the 29th of July of that year, Gov. Henry Dodge, of Wisconsin, made a treaty with the Chippewas at Ft. Snelling, whereby they ceded to the United States all the lands on the St. Croix River and its tributaries; and on the 29th of September following, Joel R. Poinsett made a treaty

with a delegation of Sioux chiefs at Washington, by which they ceded to the United States all their lands east of the Mississippi, with all the islands in the same. These cessions included valuable pine and agricultural lands, and soon the woodman's ax was heard in the forest, saw-mills were running on the St. Croix, and rafts were floating to points below.

41. St. Paul Founded.—The first habitation, the first business house, in St. Paul, was a whisky shanty erected in 1838 by Peter Parrant, near what is now the steamboat landing. The Indians were Parrant's chief customers. Other settlers came slowly, most of them making claims in the vicinity. In 1842 Henry Jackson built a pole cabin on a point overlooking the lower levee, and opened a small stock of goods suitable for the Indian trade. Jackson was the first merchant of St. Paul, and did a prosperous business. From this time on to 1847 the hamlet continued to grow, and during the summer of that year a tract of ninety acres was laid out, and town lots were offered for sale.

The survey and plat of the town of St. Paul were recorded in the office of the register of deeds, St. Croix county, Wis.—See Chapter VIII., par. 55.

42. Other Settlements.—In 1840, Joseph R. Brown made a claim near the upper end of the present site of Stillwater, and laid out a town which he named Dahkotah, but his town did not prosper

Major Brown, who came to Minnesota with the troops that built Ft. Snelling, laid out the first town site in Minnesota, and was the first lumberman to raft logs down the St. Croix. He aided in the erection of the first frame and the first stone building, assisted in staking out the first road from Ft. Snelling to Prairie du Chien, drove the first wagon over it, and the first from Mendota to Lac qui Parle.

He built the first house in Stillwater and in Hastings. Brown county was named in his honor. He died November 9, 1870.—See *Williams's History of St. Paul and Ramsey County*, page 41.

The settlement of Stillwater proper began in 1843. Major Plympton, commandant at Ft. Snelling, staked out a claim adjacent to St. Anthony Falls, on the east side, and erected a log cabin on it in 1836. Other claims were made during the succeeding five years, one in 1840 including the present site of the University of Minnesota. But all these claims passed into the hands of Franklin Steele and Pierre Bottineau, who, in 1847, secured titles from the government, paying \$1.25 per acre. Mr. Steele also purchased Nicollet Island at the same price. At the beginning of 1847 some fifty half-breeds and squatters had gathered at the Falls. In 1848 the population had increased to about three hundred, and the town of St. Anthony, now a part of Minneapolis, was laid out. The first post-office was established in 1849. The first saw-mill and the first hotel were completed in 1850, and the first newspaper, the *St. Anthony Express*, was issued in May, 1851.

43. Founding of Minneapolis.—Prior to 1849, the old government mill and the little house on the knoll behind it, erected in 1822, were the only buildings on the west side of the river, on the original site of Minneapolis. In 1849, Col. John H. Stevens was permitted to claim one hundred and sixty acres of the Ft. Snelling military reservation. On this claim he built a comfortable frame house, which he occupied in the spring of 1850.

"There on the bank of the river, just above the rapids, I commenced building my humble house, to which, when finished, I brought my wife as a bride, and in it my first children were born, the eldest

being the first child born in Minneapolis proper." In that primitive house, Hennepin county was organized, its first officers elected, the first justices sworn in, the first agricultural society in the territory organized. Here religious meetings were held, and missionaries, judges, and authors were entertained.—Stevens's *Early History of Minneapolis*, page 28.

In May, 1896, this house was drawn to Minnehaha Falls Park by the school children of Minneapolis, where it will remain, a relic of the old days.

44. The First Census.—At the time of the territorial organization, 1849, Minnesota had but few inhabitants. The west bank of the Mississippi, from Lake Itasca to Iowa, was in possession of the Indians. There was a trading post at Wabasha, a storehouse at the foot of Lake Pepin, a mission house at Red Wing, and at Kaposia, and a trading post at Mendota, and that was all. The first official census of the territory, taken by order of Governor Ramsey, June 11, 1849, gave a population of 3,067 males, 1,713 females, total 4,780. Of this number, many were transients, 367 were soldiers in the forts, and over 700 lived in the vast region now included in the Dakotas, which were then a part of Minnesota.

CHAPTER VII

PROGRESS OF SETTLEMENT

45. Important Treaties.—In 1851, important treaties were made with the Sioux and the Chippewas, whereby vast tracts of land came into possession of the United States. On the 18th of July of that year, Hon. Luke Lea, United States Commissioner of Indian Affairs, and Governor Ramsey met many chiefs of the Sioux in grand council at Traverse des Sioux, and on the 23rd of the month, a treaty was concluded. The Indians ceded to the United States all the lands east of the Sioux Wood and Big Sioux rivers and Lake Traverse, towards the Mississippi, excepting a reservation twenty miles wide and one hundred miles long on the headwaters of the Minnesota. By this treaty, the Indians were to remove to the reservation within two years. They were to receive from the government; after removal, \$275,000 to pay their debts and help them to start in their new home; \$30,000 to be expended in breaking new land, erecting mills, and establishing a manual labor school; and an annuity of \$68,000 to run for fifty years.

On the 29th of July of the same year, Governor Ramsey and Commissioner Lea met sixty-four chiefs and leading men of other bands of the Sioux at Mendota to negotiate another treaty, and on the 5th of August the treaty was signed releasing all the lands in southern Minnesota and northern Iowa claimed

by these bands. On its part, the government agreed to reserve a home for the Indians, having an average width of ten miles, on both banks of the Minnesota, beginning fifty miles above Traverse des Sioux, and extending to the former reservation at the mouth of the Yellow Medicine. The government was to pay them for settling debts and removal, \$220,000; for the erection of buildings and opening farms, \$30,000; and an annuity of \$56,000 to run fifty years. A year later, these treaties were ratified by the senate of the United States, with amendments which were accepted by the Indians, and on the 4th of February, 1853, President Fillmore issued his proclamation accepting, ratifying, and confirming the treaties as amended. The tracts of land acquired by the two treaties contained over 28,000,000 acres in Minnesota, and included all the possessions of the Sioux, save the two reservations on the Minnesota river.

46. A Wave of Settlers.—Although the government lands thus obtained were not open to settlement until surveyed, immigration set in from all the Eastern states and from over the sea. At first, claims were made near the great water courses, and at points suitable for steamboat landings; villages sprang up, which, as the country was settled farther back, became centres of trade. Settlements at Mankato, Kasota, St. Peter, and Shakopee on the Minnesota, and in the valley of the Rolling Stone, near Winona, were among the earliest. The summers of 1854, 55, 56 saw the boats ascending the Mississippi crowded with passengers seeking homes and fortunes in the "New England of the West," while the chief roads into the territory

were thronged with the covered wagons of pioneers, who built their claim shanties by lake and stream or by the sheltering grove, and, later, on the broad prairies, farther and farther from timber.

47. Settlement Checked.—With the influx of population came a period of town-site speculation, which was at its height in 1855,'56; but it was suddenly checked by the Ink-pa-du-ta massacre and the financial panic of 1857, which brought immigration to a stand still.

For several years, beginning with 1857, the price of wheat, then the chief agricultural staple, ruled so low that almost nothing was left to the farmer, who drew his crop to distant river towns to market; and money became so scarce that some villages and embryo cities issued scrip as a substitute, and many of the settlers found it hard to buy clothes and other necessities for their families. Then came the Civil War, draining the state of its strong men, and the Sioux outbreak, bringing ruin to hundreds of homes on the frontier.

48. The Tide Turns.—At the close of the war, when the remnant of our soldiers had returned from the battle fields, and the hostile Sioux had been removed from our borders; when railroads were being constructed, and the old treaty with the Chippewas, opening the Red River Valley to settlement, had been confirmed, another wave of prosperity set in, farm lands were again in demand, and the land-offices were again crowded with purchasers.

A third treaty of 1851 had been brought about by Governor Ramsey, who met the Chippewas at Pembina. By it a tract of land in the Red River Valley, 150 miles in length, embracing 11,000,000 acres lying on both sides of the river, was ceded to the United States. This treaty was not ratified at that time, but was renewed twelve years later, and on May, 5, 1864, was confirmed by proclamation of President Lincoln.

49. Another Period of Gloom.—In 1873, came another financial crash, bringing public enterprises to a stand, checking the growth of all the towns, and greatly discouraging farmers, who had been active in the development of the country. In the midst of the general gloom came the Rocky Mountain locusts (1873–1876). Of this visitation, Governor Davis spoke as follows:

“The whole country west of Blue Earth county and south of the Minnesota River was laid waste. The agents of destruction moved in clouds which darkened the sun and descended like rain upon the soil. The growth of thousands of acres would be destroyed within a few hours, and the locusts would then rise and seek new fields. The regions laid waste were inhabited by people who generally had no resources except from their crops, and though men, women, and children turned out to fight the pests, the counties and the state itself, through its legislature, were obliged to come to the relief of the stricken farmers.”

50. A Period of Prosperity.—In 1878, the state had fairly recovered from the depression, and a period of prosperity began which continued until the crisis of 1893. The fertile valley of the Red River received large accessions to its population, and other sections of the state had a healthy growth, but the most remarkable gain was in the cities.

During this epoch, the covered wagon was seldom seen on the road, as in the early days. Instead, the railroad car sped over the prairies and through the forests, bearing families and colonies, with household goods, implements, and stock, to stations all over the state—carrying the comforts of civilization to the very doors of the pioneers.

51. Census of 1895.—The census of 1849 gave about 4,680 inhabitants, but, as we have seen, many of these were outside our present borders; on the first of June, 1895, there were 1,574,619 people in the state—a gain of 1,570,000 in forty-six years.

CHAPTER VIII

THE TERRITORY AND THE STATE

52. Territorial Changes.—By right of discovery and exploration, the French claimed all the territory now included in Minnesota. The long struggle between England and France, ending with the fall of Quebec in 1759, was followed, in 1763, by the cession of Canada, and the country east of the Mississippi, from Canada to the Gulf of Mexico (save the Island of New Orleans), to Great Britain; and within the same year, the vast territory west of the Mississippi, including New Orleans, was ceded by France to Spain. By the treaty of 1783, following the War of the Revolution, Great Britain ceded to the United States all her territories south of Canada and east of the Mississippi; and, in 1803, the territory west of the Mississippi, for forty years in possession of Spain, was ceded to the United States by Napoleon, who had obtained it a short time before.

53. Northwest Territory.—In 1784, Virginia ceded all the region which she had claimed north of the Ohio to the United States. Connecticut, Massachusetts, and New York also had claims, but these were released, and the vast territory now included in Ohio, Indiana, Illinois, Michigan, Wisconsin, and Minnesota east of the Mississippi, was erected into one district by the Ordinance of 1787, and called the Northwest Territory.

54. Minnesota a Part of Other Territories.—That portion of Minnesota west of the Mississippi formed a part of what is known as the Louisiana Purchase. It was included in Louisiana district in 1804, in Louisiana territory in 1805, in Missouri territory in 1812, in Michigan territory in 1834, in Wisconsin territory in 1836, in Iowa territory in 1838. Minnesota east of the Mississippi became a part of Indiana territory in 1800, when that territory was created; a part of Michigan territory in 1805; a part of Illinois territory in 1809. When, in 1819, Illinois became a state with its present boundaries, this region again became a part of Michigan, under whose jurisdiction it remained until 1836, when Wisconsin territory was formed.

55. Local Government.—Although successively under the jurisdiction of the several territories named above, the whole region now included in Minnesota was without permanent civilized inhabitants, and no movement was made to institute local government until 1819, the year that the military post at Ft. Snelling was established. That year Minnesota, east of the Mississippi, then a part of Michigan, was organized as Crawford county. The officers of the county were a chief justice, two associate justices of the county court, a clerk of court, sheriff, and judge of probate. White inhabitants were so scarce that it was hard to find residents to fill the offices. In 1840 the legislature of Wisconsin created St. Croix county out of Crawford county, but the reorganization did not take place until 1847. The boundaries of the new county, as defined in the act creating it, included all that part of Craw-

ford county lying west of a line running northward from the mouth of Porcupine River, on Lake Pepin, to Lake Superior. The county seat was fixed at Dahkotah, but at the time of the reorganization (1847) Stillwater, then a mere hamlet, became the county seat, and in June of that year Judge Dunn held a term of the United States district court there, the first national court held within the limits of Minnesota.

56. Organization of Minnesota Territory.—In 1848, when Wisconsin became a state, the St. Croix was made its western boundary, and that portion of Wisconsin territory lying west of the St. Croix was left without any recognized government. In this emergency a convention of sixty-six delegates was held at Stillwater, August 26, 1848, to take steps to secure an early territorial organization, and H. H. Sibley was selected to visit Washington, to represent the views of the convention. But John Catlin, who had been acting governor of Wisconsin territory, claiming that the old territorial organization was still in force, ordered a special election to be held on the 30th of October, 1848, to choose a delegate to Congress. Mr. Sibley was elected, and took his seat as delegate from Wisconsin territory. Through the influence of Mr. Sibley, assisted by Henry M. Rice and other prominent citizens, an act was passed, March 3, 1849, organizing Minnesota territory, with the Missouri as its western boundary, and making St. Paul the temporary capital.

The officers of the territory were appointed by the President of the United States; and on the first day of June, Alexander Ramsey, of Pennsylvania, who

was appointed governor, issued his proclamation declaring the territory organized with the following officers: Alexander Ramsey, governor; Charles K. Smith, secretary; Aaron Goodrich, chief justice; David Cooper and Bradley B. Meeker, associate justices; Joshua L. Taylor, marshal; Henry L. Moss, attorney-general. The Governor divided the territory into three judicial districts, and in the month of August court was held at Stillwater, at St. Anthony, and at Mendota. On the 7th of July the territory was divided into seven council districts, and an election by ballot was ordered to be held on the first day of August in the several districts, for the choice of nine councillors and eighteen representatives, to constitute a legislative assembly; also to choose one delegate to represent the people in congress.

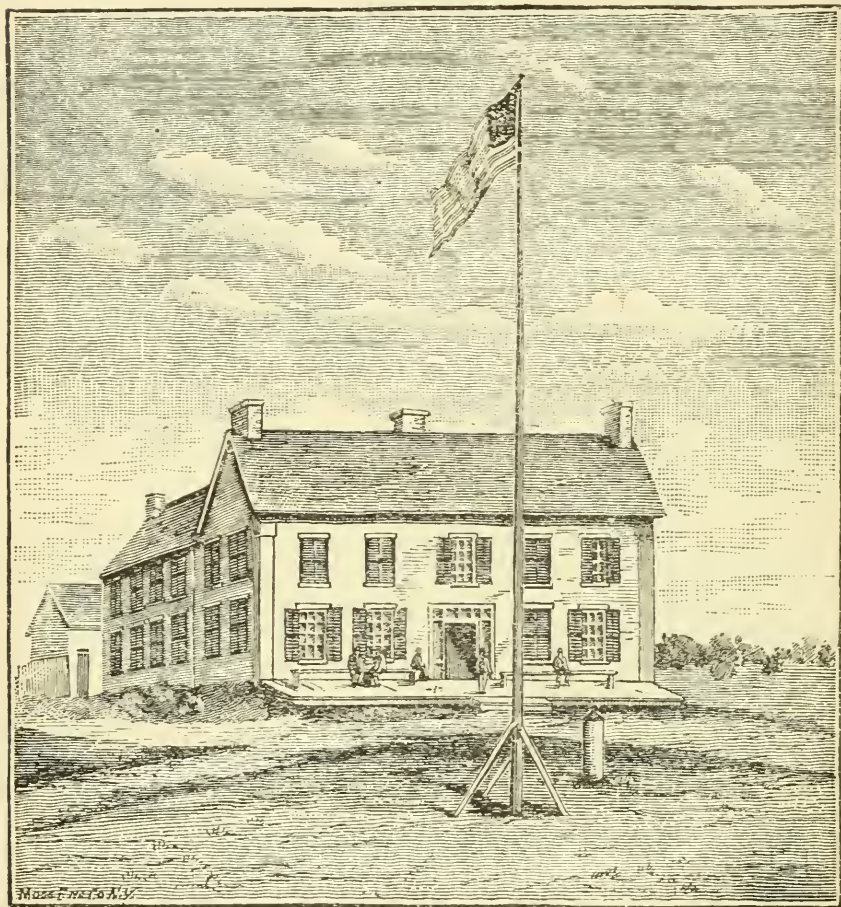
H. H. Sibley was elected delegate without opposition, the whole number of votes cast being 682. Mr. Sibley came to Mendota in 1834 to take charge of the fur trade at that point. He made the journey from Prairie du Chien, nearly three hundred miles, on horseback, seeing but one house on the way.

57. The Capitol.—The organic act of the territory appropriated \$20,000 for a capitol, but as the permanent seat of government had not been established, the money was unavailable for its erection, and the Central House, a weather-boarded log tavern, was rented, and was known as “The Capitol.” Here the secretary of state had his office; here the first law-makers assembled; and here, in the small dining-room, Governor Ramsey delivered his message to the two houses composing the council.

St. Paul was not made the permanent capital of the territory without considerable opposition, and the question remained open until

1851, when a compromise was effected. Stillwater was to have the penitentiary, St. Anthony, the University, and St. Paul, the Capitol.

The first capitol was commenced in 1851, but was not completed until the summer of 1853, the gov-



CENTRAL HOUSE, FIRST CAPITOL OF MINNESOTA.

ernment, in the meantime, occupying rented buildings. This capitol was burned March 1, 1881, consuming the greater part of the contents of the building, including a valuable law library and a part of the Historical Society's library. The second capitol was com-

pleted in 1883, at a cost of \$275,000, and in 1893 provision was made for a third capitol, to cost \$2,000,000.

58. First Territorial Legislature.—On the 3d of September, 1849, the first legislature convened in the Central House, St. Paul. David Olmsted, of Long Prairie, was chosen president of the council, and Joseph W. Furber, of Cottage Grove, speaker of the house. The legislature adjourned on the first of November.¹

59. Early Political Parties and Their Organs.—Prior to October, 1849, there had been no party organizations in the territory, but in that month a Democratic mass convention was held at St. Paul, resolutions were adopted, and the *Pioneer* was made the organ of the party. The Whig party was organized later in the season, and, thereafter, party standards were set up and party strife was the rule. The Republican party was organized at St. Anthony, March 29, 1855. Its first candidate for delegate to congress was William R. Marshall, afterwards governor of the state.

On the 18th of April, 1849, James M. Goodhue landed in St. Paul, with press and types, and on the 28th he issued the *Pioneer*, the first number of the first paper printed in Minnesota. Mr. Goodhue was graduated at Amherst College, and was a lawyer by profession. He wrote clear editorials, which did much to induce immigration. Goodhue county was named for him.

The *Minnesota Chronicle*, edited by James Hughes, was issued June 1, 1849; and the *Register*, Col. J. P. Owens editor, July 14th. In August following both papers were united, taking the name *Chronicle and Register*. Under this title the paper became the organ of the Whig party.

60. Organization of the State.—On the 26th of February, 1857, congress passed an act authorizing

¹ Important matters acted upon by this and succeeding legislatures are spoken of in the several chapters of this work.

a state government, and making provision for a convention to frame a constitution. In June following, an election was held to choose delegates to the convention, resulting in the choice of fifty-nine republicans and fifty-three democrats.

61. The Constitution.—The delegates assembled at the capital on the 13th of July, and, after considerable strife, two conventions were organized on party lines, each proceeding to frame a constitution. After being in session for some time, conference committees were appointed and both bodies finally adopted the same instrument. On October 13th, the constitution thus prepared was submitted to a vote of the people, and approved by a decisive majority.

62. First State Legislature.—An election for state officers and for members of the legislature, held at the time of the adoption of the constitution, resulted in a victory for the democrats by a close vote, the leader on the ticket, H. H. Sibley, was chosen governor. The first state legislature convened on December 2, 1857, with thirty-seven members in the senate and eighty in the house. It remained in session until March 25, 1858, when it took a recess until the state should be admitted to the Union. On May 11th, the President approved the act for admission, and in June following the legislature reassembled.

63. Territorial and State Seals.—A committee on Territorial Seal, appointed by the first legislature, recommended as a device an Indian family with lodge and canoe, a white man visiting them and receiving the pipe of peace. Although the recommenda-

tion of the committee was adopted, Governor Ramsey and Mr. Sibley devised a seal having as a design the Falls of St. Anthony in the distance, a settler in the foreground plowing the land, and an Indian on horseback fleeing towards the setting sun. The motto "*Quae sursum volo videre*," "I wish to see what is above," was selected, but the engraver blundered, and the motto of the territorial seal read, "*Quo sursum volo videre*," meaning nothing. When Minnesota became a state *L'Etoile du Nord*, "Star of the North," was substituted for the earlier motto, and the figures of the device were differently placed.

64. The State Flag.—The Legislature of 1893 provided for the adoption of a state flag, appointing a commission of ladies to select an appropriate design and on the 28th of February this commission adopted a design presented by Mrs. Edward H. Center, of Minneapolis. The flag is thus described:

"The ground is of white silk, and the reverse side of blue silk, bordered with bullion fringe. In the centre is the state seal, wreathed with white Moccasin flowers, on a blue ground. The red ribbon of the seal, bearing the motto, is continued through the wreath, entwining the blossoms, and floating carelessly over the lower portion of the flag. It bears in gold the dates 1819, the time of the settlement of Minnesota, and 1893. Above, also in gold, is the date 1858, the time of the admission of Minnesota to the Union. Below the design, in gold letters, is wrought 'Minnesota.' Grouped around the seal are nineteen stars in the design of star points, with the north star, significant of the North Star state in a group of three."¹

¹ The choice of the number nineteen is a peculiarly happy one, as Minnesota was the nineteenth state, after the original thirteen, to be admitted to the Union. The standard of the flag was surmounted by a golden gopher, and tied with a gold cord and tassel. The execution of the design is entirely in needle work.—See *Legislative Manual of Minnesota for 1895*, p. 3.

CHAPTER IX

MODES OF TRANSPORTATION

65. The Canoe and the Bateau. — From 1679, when Duluth set up the standard of France on the shore of Mille Lacs, to 1823, a period of nearly one hundred and fifty years, the canoe, the bateau, and the keel-boat were the means of transportation on our lakes and streams, and the narrow trail was the only road on land. Explorers, traders, missionaries, and *courieur-des-bois* sped on their way in these rude conveyances, and, when they failed, betook themselves to the trails leading to wigwam-villages or trading-posts.

For several years the mail between Ft. Snelling and Prairie du Chien was carried in canoes or on keel-boats during the summer, and on sledges drawn by dogs, or a Canadian pony, during the winter. Two or three trips were made in summer and as many in winter. This winter service was continued for nearly thirty years, and in Major Taliaferro's Journal it is noted that on January 26, 1826, there was much rejoicing over the arrival of two officers "from below," who had returned from a furlough, bringing the first mail received for five months.—*Williams's History of St. Paul*, p. 44.

66. Coming of the Steamboat.— In May, 1823, the first steamboat, the "Virginia," arrived at Ft. Snelling, proving that steam, the mightiest agent of civilization, could be used on the Upper Mississippi, and introducing a new order of things. During the next three years, fifteen steamboats arrived, and thereafter arrivals were more frequent but still irregular until 1847, when a packet line was established to run

from Galena to Mendota. In 1837, the "Palmyra" steamed up the St. Croix with men and machinery for the saw mills then being erected. The "Anthony Wayne," the "Nominee," and the "Yankee" ascended the Minnesota in 1850, and the "Anson Northrup" was put on the Red River nine years later. Thus the steamboat took the place of the bark canoe and the keel-boat on our navigable waters. For many years steamboats on the Mississippi brought numberless passengers and vast quantities of merchandise to the river towns, to be distributed by wagons to more or less remote points in the interior. They took away the wheat and other surplus products of our farms, and were a chief agency in the early and rapid development of the state.

67. Pembina, or Red River, Carts.—In 1844, there sprang up a valuable trade between St. Paul and the Red River Settlement, and for nearly twenty years what was known as the Pembina, or Red River, cart, was the means of transportation. The cart was of rude workmanship. It was constructed of wood and leather, without a particle of iron, and would carry from 600 to 700 pounds. It was drawn by an ox, or a pony, with a harness of untanned buffalo hide. One driver managed several carts. A train left Pembina in June, when the grass was growing, and camped at night by wood and stream, and in thirty or forty days reached St. Paul, 448 miles by the nearest route. In 1844, the train consisted of but six carts; in 1851, of 102; in 1858, of 600. The number then slowly decreased until 1867, when the Northern Pacific railroad was opened to St. Cloud, and soon

after to the Red River. In 1863, the fur trade alone reached \$250,000, and the return trade in merchandise was much more, one house in St. Paul selling \$4,000 worth of tobacco, to say nothing of liquors and other articles.

The arrival of the Red River carts added much to the life and trade of the territory. Buffalo robes, marten, fisher, otter, muskrat, fox, badger, bear, wolf, wild-cat, lynx, beaver, and all other kinds of fur found in a high northern latitude, were brought to exchange for merchandise or cash. Cartloads of the handiwork of the squaws were in the train. There were moccasins, gloves, and mittens, with beads, porcupine quills, and birds' feathers worked into them in an artistic manner.—*Stevens's Early History of Minnesota*, p. 35.

68. The Stage Coach.—In the summer of 1849, the first stage coach was run in Minnesota. It made daily trips between St. Paul and St. Anthony, or two trips daily if travel demanded. In the autumn of the same year, a line was opened from St. Paul to Prairie du Chien, by way of Stillwater and Wisconsin towns. The first Concord coach was put on this line in 1851. From 1850 to 1860, many companies were organized, and routes were established between important points over all the settled portions of the state. The stages carried the mail, express packages, travelers, speculators, and home-seekers in great numbers.

69. Railroad Bonds.—By an act of Congress, approved March 3, 1857, land amounting to 5,000,000 acres was granted to the territory for the construction of railways. Immediately certain scheming companies sought to get control of this land, and during an extra session of the legislature an act was passed giving it to them; but it was soon discovered that the

companies that obtained the lands had neither money nor credit to carry on the proposed work. To further their scheme, the companies sought additional aid, and the legislature of 1858 passed an act submitting to the people an amendment to the constitution, providing for a loan of the public credit, amounting to \$5,000,000, to be paid on the completion of a certain number of miles of road. Regardless of the warning of prominent citizens, the amendment was carried by an overwhelming majority. But the scheme proved an utter failure. After bonds to the amount of \$2,275,000 had been issued, the state had not a mile of completed road, and only 250 miles of graded road. By foreclosure proceedings, the state acquired the 250 miles of graded road, the franchises of the companies, and nearly 5,000,000 acres of land as indemnity for its bonds. But there was a public sentiment against the payment of the principal or the interest of the bonds, without a vote of the people, and in 1860 this sentiment was embodied in an amendment to the constitution. For nearly twenty years the bonds remained unadjusted; but in 1877 state pride began to assert itself, and a proposition setting aside the proceeds of 500,000 acres of internal improvement lands in settlement was, by an act of the legislature, submitted to a vote of the people, but it was voted down by a large majority. In October, 1881, an extra session of the legislature was called, and final adjustment was authorized on a basis of 50 per cent. of the amount due, and bonds to the value of \$4,282,000 were issued to those who were entitled to receive them. For the payment of these bonds, a proposition to set aside the

proceeds of the 500,000 acres of internal improvement land was again submitted at the general election in 1881, and was ratified by the people. Thus the stigma of repudiation was at last removed. This result was brought about largely through the influence of John S. Pillsbury, then governor of the state.

70. Building Railroads. — The legislature of 1862 infused new life into our dead railroad system by conveying the franchises obtained by foreclosure to new companies, some of which pushed the work vigorously. During the summer of 1862, the St. Paul and Pacific road laid its track between St. Paul and St. Anthony, a distance of ten miles. This was the first completed road in the state. After the close of the Civil War, labor was more abundant, and railroad construction went on rapidly, so that in 1870 cars were running on nearly one thousand miles of track, and the work was pushed with vigor until the commercial crisis of 1873 brought all public enterprises to a stand. The period from 1880 to 1890 was one of great activity, and 2,310 miles of road were put in operation. On the 30th of June, 1894, Minnesota had 5,912.42 miles of completed railroad. Of 16,111,001 acres of land given to our railroads, 12,151,527 acres were given by the general government, and 3,959,474 acres by the state. Of this vast amount, 10,216,060 acres have been patented by the state to railroads within its borders.



GOVERNOR ALEXANDER RAMSEY.

CHAPTER X

THE CIVIL WAR

71. Tender of Troops.—Minnesota was but three years old and had only about 200,000 inhabitants at the breaking out of the Civil War, in 1861. On the 13th of April, the news of the fall of Sumter was flashed over the wires. Alexander Ramsey was in Washington at the time, and early on Sunday morning, April 14th, he visited the War Department, and, as governor of Minnesota, tendered 1,000 men to support the government. This was the earliest offer of troops, and it was accepted at once.

72. The First Rally.—On the 15th of April, President Lincoln issued a call for 75,000 men. The call met with a hearty response from all sections of the state, and fourteen days later the first regiment of infantry was mustered in at Ft. Snelling, and on the 22d of June it left for Washington 1,000 strong. Enlistments went on rapidly, and four regiments of infantry, two batteries of light artillery, one regiment of cavalry, and one company of sharpshooters were organized in 1861. Under the call for 500,000 men, following the battle of Bull Run, Minnesota had furnished her full quota and more. A vast army was already in the field, and it was believed that men enough were under arms to subdue the rebellion. The soldiers themselves anticipated an early return to their homes, the fever of enlistment subsided, and recruiting was suspended.

73. We Are Coming, Father Abraham.—But the clouds grew dark again; there was danger of European recognition of the Rebels as belligerents; there were dissensions in the army and disasters in the field, and in July, 1862, the government issued a call for 300,000 men, followed in thirty days by a call for 300,000 more. Then war meetings were again held in town and country, bounties were offered for recruits, and the people sang:

“ We are coming from the hillside,
We are coming from the plain,
We are coming, Father Abraham,
Six hundred thousand more.”

Moved by the spirit of patriotism, and stirred by the news of the Sioux outbreak, of burning homes and fleeing settlers, enlistments were hastened, so that six full regiments of infantry and one company of sharp-shooters were recruited in 1862.

74. Noble Women.—The state now had a large proportion of its able-bodied men in the field, some on the border fighting savages, some in the South fighting Rebels. Almost every home had given a husband, a son, or sons to the army. Thousands of women toiled on the farms. They sowed the seed and reaped the harvest; they kept the home fires burning through weary months and years, waiting for the coming of peace, the return of the loved ones.

75. Our Quota.—Enlistments went on until 25,052 men had “rallied round the flag,” and eleven regiments and one battalion of infantry, one regiment of heavy artillery, two companies of sharp-shooters, four regiments of cavalry, and three batteries of light artillery had been sent to the front.

76. Veterans.—Hundreds who had enlisted for three years in the early regiments, unwilling to leave their country in peril, re-enlisted as veterans at the close of their term of service, returning at last with many scars, and with tattered flags, which had been borne in triumph on many a field.

77. Where They Fought.—Minnesota troops fought at Bull Run, Fair Oaks, Harrison's Landing, Antietam, Fredericksburg, Chancellorsville, Gettysburg, Petersburg, and on many other bloody fields in the East. They were at Chickamauga, at Mission Ridge, in the Atlanta Campaign, and they marched with Sherman to the sea. They followed the flag in the campaign against Vicksburg, and were in the campaign of Arkansas, and at Mobile, Spanish Fort, and Blakeley.

78. Sanitary Fairs.—In the leading towns of the state, fairs were held to raise money for the destitute families of soldiers; and cities, villages, and rural districts made lavish contributions to the Sanitary and Christian Commissions, to hospital funds, and to other war charities. St. Paul alone contributed \$225,000.

79. The Soldiers' Home.—In 1887, the legislature made provision for a soldiers' home for all honorably discharged soldiers, sailors, and marines who served in the army or navy of the United States during the Civil War or the Mexican War, and by reason of wounds, disease, old age, or infirmities were unable to earn a living, and had no adequate means of support. The Minnesota Soldiers' Home is located at Minnehaha Falls on a tract of fifty acres of wooded land donated by Minneapolis.

80. The Grand Army.—After the Civil War, the Grand Army of the Republic was organized. It has 186 posts in Minnesota. The objects and work of the G. A. R. are: To preserve and strengthen the fraternal feeling which bound soldiers together in the camp and on the field; to assist such former comrades in arms as need help or protection; to care for the widows and orphans of those who fell; to maintain true allegiance and fidelity to the United States, and permanent respect for the constitution and laws, and to encourage the spread of universal liberty and justice.

81. Woman's Relief Corps.—Associated with the G. A. R., is the Woman's Relief Corps, with over one hundred posts in the state. Its objects are: To aid and assist the G. A. R., and to perpetuate the memory of the heroic dead; to assist such Union veterans as need help; to extend needful aid to the widows and orphans; to cherish the deeds of army nurses and other loyal women; to inculcate lessons of patriotism among children and in the communities where they live.

CHAPTER XI

THE SIOUX OUTBREAKS

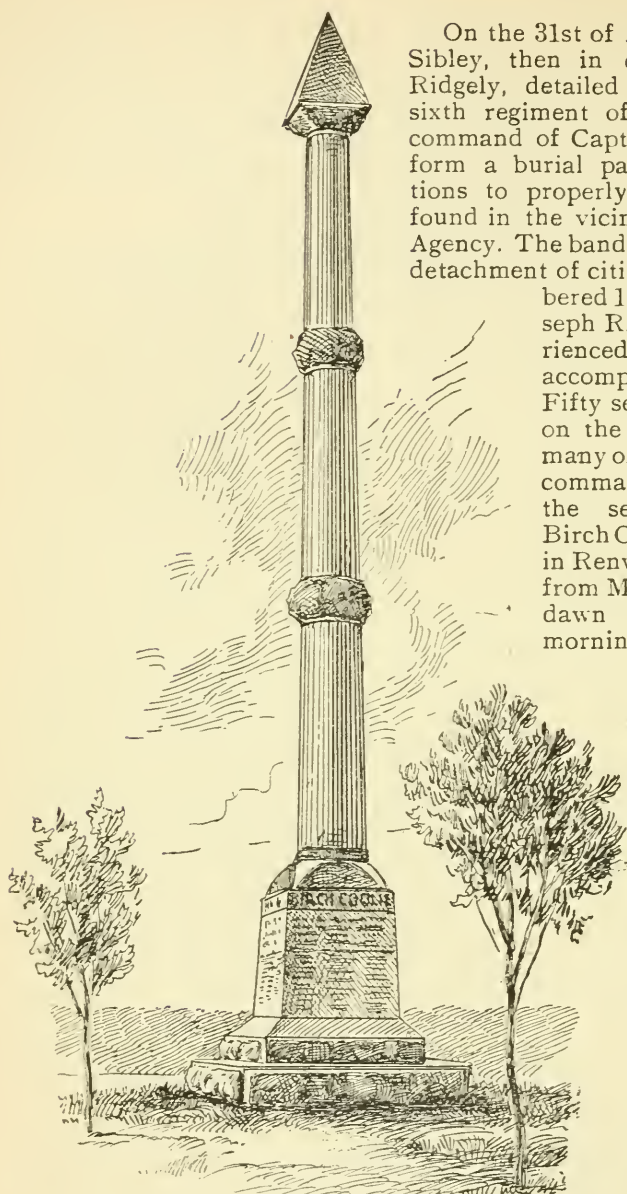
82. Inkpaduta's Band.—In the southwestern portion of the territory was a band of Indians under the leadership of Inkpaduta, or "The Scarlet Point," that had taken possession of a strip of land on both sides of the boundary between Iowa and Minnesota. The band was composed of Sioux outlaws, and settlers had experienced some trouble with them. In March, 1857, as several of these outlaws were hunting, one of them was bitten by a settler's dog, which he killed. The owner of the dog assaulted the Indian; then, gathering his white neighbors, the settler went where the Indians were camped, and forced them to give up their arms. Although the arms were returned, the Indians were angry, and attacked the settlement at Spirit Lake, killing the men and taking four women into captivity. Other settlements were attacked, and altogether forty-two settlers were killed. With the exception of Inkpaduta's oldest son, the entire band escaped punishment.

83. Outbreak of 1862.—As we have learned, the treaties of 1851 set apart two reservations for the Sioux on the upper waters of the Minnesota River. An agency was established on each reservation. The Lower Sioux Agency was located about five miles below the mouth of the Redwood; and the Upper Agency, on the Yellow Medicine, some three miles

from its mouth. At these agencies, the general government had its agents, and made its payments to the Indians; here, also, were the store-keepers, who sold goods to them; and not far away were the missionaries, who sought to instruct them.

84. Causes of Dissatisfaction.—Among the causes which led to the massacre of 1862 were the following: The Indians had disposed of millions of acres of land, and were then restricted to a narrow strip, poorly adapted to their wants, and they felt sore over their bargain; the storekeepers sold goods to the Indians in advance of the payment of their annuities, and when pay-day came around there was nothing coming to the Indians, and they felt that they had been cheated; the Indians had given up a ten-mile strip on the north side of the river, for which they had received nothing, although promised \$166,000; and, finally, the regular June payment had been delayed for some reason not given, and traders took advantage of the necessities of the Indians, who were both hungry and angry. On the other hand, the worthless, lazy habits of the Indians made them offensive to the white settlers, of whom they begged food, money—anything that took their fancy, and the settlers came to think that “the only good Indian is a dead Indian.”

85. Beginning of Hostilities.—On the 17th of August, four young Indians murdered five settlers in the township of Acton, Meeker county. On the following day, the news reached the Upper Agency, and hostilities were at once commenced. The whites at the agency were slaughtered without mercy, but the



THE BIRCH COULIE MONUMENT.

On the 31st of August, 1862, Col. Sibley, then in command at Ft. Ridgely, detailed a portion of the sixth regiment of infantry, under command of Capt. H. P. Grant, to form a burial party, with instructions to properly inter all bodies found in the vicinity of the Lower Agency. The band, including a small detachment of citizen cavalry, num-

bered 153 men. Maj. Joseph R. Brown, an experienced Indian trader, accompanied the party. Fifty settlers were buried on the first day out, and many on the second. The command went into camp the second night near Birch Coulie, a deep gorge in Renville county, not far from Morton. In the gray dawn of the following morning the camp was

attacked by a large force of Indians, and for nearly thirty hours, without food or water, the heroic troops kept the savages at bay. On the following morning the party was rescued by Col. Sibley, who had marched his command to its relief. Twenty-three of the party were killed, and forty-five were severely wounded. The monu-

ment was erected by the state in commemoration of the bloodiest battle ever fought on her soil. It now stands nearly two miles from the battle field, but will be removed to the spot where the conflict took place.

missionaries living a short distance above, were warned by friendly Indians, and, to the number of about forty, escaped, though with great suffering. On the same day a similar massacre took place at the Lower Agency. Nearly all the buildings at both agencies were destroyed, and such property as was valuable to the Indians was carried off. The whites who fled before the general massacre commenced were nearly all overtaken and killed on their way to Ft. Ridgely and to other places of safety. Having massacred the people at the agencies, bands of Indians scoured the border from Spirit Lake on the south to Hutchinson on the north, murdering men, women, and children, as they found them in their homes or in their fields. A thousand settlers were cut down, and their homes laid waste. Other thousands deserted their homes and fled, many of them never to return.

86. The Rally for Defense.—New Ulm and Ft. Ridgely were attacked, but were defended with desperate valor until relief came. Volunteer companies were hastily organized in Hutchinson, Glencoe, St. Peter, and in other exposed towns, and log forts, or earth-works, were thrown up. Companies were also organized in the older portions of the state, and were soon marching to the frontier. The state itself was not idle. Ex-Gov. H. H. Sibley was appointed to the command of such forces as could be gathered, and he soon found himself at the head of 1,400 men, including the full sixth regiment, recruited for service in the South. The prompt action of citizens and of the governor, aided by the general government, soon checked the Indians, and resulted in the capture of

about 2,000 of them, and the forcing of the remainder beyond the western boundaries of the state. Of the captured Indians, 303 were tried by court-martial and condemned to death. Of this number, 38 of the most prominent were hanged at Mankato, December 26, 1862, and 265 were reprieved by President Lincoln.

87. Later Expeditions.—The following year, the government organized another expedition against the Indians, who, after two sharp engagements, retreated beyond the Missouri River. In 1864, still another expedition was sent forward, and a final settlement was brought about by the confiscation of the ponies and arms of most of the Indians.

CHAPTER XII

THE STATE SCHOOL SYSTEM

88. The Earliest Legislation.—To the first legislative assembly Governor Ramsey said: “The subject of education, which has ever been esteemed of the first importance, especially in all new American communities, deserves, and, I doubt not, will receive, your earliest and most devoted care.” The assembly was in hearty accord with the governor’s views, and it gave much time to the consideration of the school question. A number of plans were proposed and strenuously advocated, but all conflicting differences as to minor details were, at last, laid aside, and on the first day of November, 1849, the last day of the session, an act to establish and maintain common schools was passed and became a law.

89. The District System Adopted.—In this original school code a township containing not less than five families was regarded as a school district, though a township having ten or more families might be divided by the county commissioners into two or more districts. The amended code of 1851 dropped the idea of a township as a school district, and inaugurated the common school district system, which, with some modifications, is in operation to-day. But this system did not fully meet the needs of an urban population, and the embryo cities soon began to ask for legislation making them special districts with

increased powers and privileges, and in 1856 the first special district was created.¹ Special legislation soon came to be regarded with disfavor, and the legislature of 1865 passed a general law authorizing any incorporated city, village, or rural section, with not less than 500 inhabitants, to organize as an independent district.²

90. Graded Schools, High Schools.—With their increased powers, the special and the independent districts were able to maintain graded schools, and in most of the thrifty centers of population the old district system was soon set aside and the graded system established. The high school grew up as the natural head of the graded school, but there was some opposition, and many communities found it hard to support a good high school. Relief came in 1881, when an act for the encouragement of higher education was passed, and the city high school became a state high school with state aid.³

91. State Normal Schools.—The normal school system for the education and training of teachers was inaugurated by the legislature of 1858. Provision was then made for three schools to be located at three places which should donate \$5,000 each. In 1885, a fourth school was located at Moorhead, conditioned upon the gift of an appropriate site, and in 1895 the legislature voted to establish a fifth school at Duluth.

¹ St. Paul became a special district in 1856; Minneapolis, in 1857; Winona, in 1861; and Stillwater, in 1863.

² It will be seen that the common school district of to-day dates back to 1851; the special district, to 1856; and the independent district, to 1865.

³ See paragraph 285.

The Normal School at Winona was opened in September, 1860, with John Ogden as principal, in a building furnished by the citizens free of cost. The attendance of pupils was satisfactory, but the Civil War coming on, the school was closed until November, 1864, when it was reopened, in the same building, with W. F. Phelps as principal. The school at Mankato, George M. Gage, principal, was opened in the basement of the M. E. church in September, 1868. In October, it was removed to the second story of a store, where it remained until April, 1870, when the new building was occupied. The school at St. Cloud was opened in the Stearns House, erected for a hotel, in September, 1869, Ira Moore, principal. Its new building was commenced in 1870, and occupied in 1875. The school at Moorhead opened in a new building erected for the purpose in August, 1888, Livingston C. Lord, president.¹

92. Teachers' Institutes and Training Schools.
—To further aid the teachers of the state in qualifying themselves for a more successful discharge of their duties, the legislature of 1868 passed an act appropriating money to defray the expenses of teachers' institutes to be held under the direction of the superintendent of public instruction, and in 1873 provision was made for the holding of training schools from four to six weeks in length. Both institutes and training schools had been held by county superintendents, but the thorough organization of the institute and training or summer school system began with state aid, and, under the direction of the depart-

¹ Title now given.

ment of public instruction, it has been extended to every county, and has become one of the important agencies for the improvement of the public schools.

A training school four weeks in length was held in Rochester in March, 1872. The enrollment was 145, the average attendance 138. As the state had not at that time extended aid, the teachers themselves paid all expenses. The school was the first of the kind held in Minnesota. It was organized and conducted by the author of this book, who was assisted by Mrs. Annie E. Sanderson and Fayette Cook, both widely-known teachers.

93. University of Minnesota.—On the 10th of February, 1851, the legislature memorialized Congress for a grant of 100,000 acres of land as an endowment for a university. On the 13th of the same month it passed an act of incorporation, and on the 19th, Congress granted two townships of land “for the use and support of a university in said territory, and for no other purpose whatever.”

94. First Board of Regents, First School.—The first board of twelve regents, appointed by the legislature, organized with Franklin Steele as president. In June, 1851, a site where the Exposition building in Minneapolis now stands was accepted as a gift from regent Steele, and a two-story wooden building, 30 x 50 ft., was erected by subscription, and made ready for use in the autumn. In November, 1851, Rev. E. W. Merrill, with three assistants, opened the university, so called, with an enrollment of forty pupils. The school was continued until the spring of 1854, when it was closed, and the building was leased for a private school for about one year. It was then rented for public school purposes until burned in October, 1864.

95. Loss of Site, Debts.—The regents failed to secure a deed of the site for the university, and it was sold in payment of debts. In 1856, it passed out of the hands of the regents, and the school became extinct. The present site of the university was secured in 1854, with additions in 1877. The old stone building was completed in the spring of 1858. The purchase of lands for the site and the erection of the new building involved the state in debts, which, with interest at one, two, and three per cent. a month, grew larger every year. The emergency became so pressing that in 1864 the legislature chose a committee for the express purpose of liquidating the debts. This committee, consisting of John S. Pillsbury, chairman, John Nicols, and O. C. Merriman, at last, through tact and untiring energy, succeeded in cancelling the outstanding obligations.¹

96. A Preparatory Department.—The legisla-

¹ By his paternal care, continued for many years, and by a gift of \$150,000, Hon. John S. Pillsbury earned the title "Father of the University."

"A committee from the legislature was appointed at the session of 1864, consisting of E. S. Youmans, Mark H. Dunnell, Mr. Butler, and myself, to visit the university building and report its condition. We made the visit in the earliest part of the session, examined the building, and found it in a very sad condition and going to ruin from the effects of the elements, as one end of the building was boarded up in rather a shabby manner. A family was living in the building, pretending to have charge of it. In the basement, we found a room in which some turkeys were kept, another room in which hay was stored, and a large amount of wood piled in still another. The floor of the main hall was nearly destroyed from the effects of splitting wood. A sad picture, indeed, of the 'University of Minnesota,' which had then cost upwards of \$95,000."—From an address of John S. Pillsbury, delivered June 1, 1893.

ture of 1867 having made an appropriation of \$15,000 for the payment of salaries and other expenses, a preparatory department was opened in October of that year, with W. W. Washburn as principal. For the first year, the enrollment was seventy-two; of this number, sixteen were women.

97. Reorganization.—In 1868, an act was passed reorganizing the University with five or more collegiate departments, and placing its management in the hands of nine regents. In 1869, William W. Folwell was elected president. He entered upon his duties in September, held the position for many years, and was of great service in the organization and management of the institution. The first freshman class of fourteen members was organized that year. Since that date, the University has continued to prosper, having, in 1896, 2,467 students.

98. Supervision of Schools.—The territorial school law made district trustees the examiners of teachers and visitors of schools. The legislature of 1861 attempted to inaugurate a radical change. The township system was adopted, and a town superintendent appointed, whose duty it was to examine teachers, visit schools, and report to the state superintendent. But the township law was very unpopular, and the legislature of 1862 repealed it and authorized the appointment by the county commissioners of an examiner for each commissioner district¹ of the county, who was to hold public examinations, issue and revoke certificates, and visit schools. This law remained in force until the superintendency system was adopted.

¹See paragraph 173.

In 1863 it was enacted that in counties electing to do so, the county commissioners should "appoint a fitting person of high moral character and literary attainments, who shall be county superintendent of schools." The appointive system prevailed until 1876, when the office was made elective in seven counties. The following year a general law was passed, making it elective in all the counties of the state.

The first state superintendent, Rev. E. D. Neill, author of Neill's *History of Minnesota*, entered upon his work in March, 1860; but the law was soon changed, and from 1862 to 1867 the secretary of state was *ex-officio* superintendent. The legislature of 1867 created the office of state superintendent, and, since that date, we have had a department of public instruction.

In 1893 provision was made for the appointment of a state inspector of high schools, and two years later for an inspector of graded schools, making the system of school supervision complete for all grades of public schools.

99. Support of Common Schools.—The organic act of the territory, and also the act authorizing the formation of a state government, set apart sections 16 and 36 in every township, about 3,000,000 acres in all, for the support of public schools. The constitution of the state provides for the sale of these lands and for the safe investment of the funds arising therefrom. The first sales were made in 1862, and have been continued annually to the present time. The proceeds of such sales constitute the permanent school fund, now amounting to nearly \$11,000,000. The

permanent fund has not been expended, but has been kept at interest, the interest alone being divided among the pupils of the public schools throughout the state.¹ But the interest on the permanent school fund has not been sufficient to support the schools, and taxation has been necessary from the first.

In early territorial days, when there was no income from the sale of lands, it was agreed that the county school tax should be two and one-half mills on the dollar. As the people had no title to their lands, this tax fell mainly on personal property, and the amount raised was very small. In 1862, the rate of taxation was reduced to two mills, and in 1874 to one mill. In 1887, the legislature authorized the levying of a tax of one mill on all the taxable property of the state, the proceeds to be known as the state school-tax fund. The county tax of one mill is still levied, and is known as the local mill-tax. In addition to the local and the state tax, districts have been allowed to tax themselves within certain maximum limits. A self-imposed tax is known as a special tax, and the special tax has always been an important factor in the support of the schools. Certain fines and licenses were also turned over in early days to the local school fund.²

100. Support of the University.—As we have learned, paragraph 93, two townships of land, about 46,000 acres, were granted for the support of a terri-

¹See paragraph 296.

²In territorial days, also at a later period, strong efforts were made to divert a portion of the public school funds to the support of sectarian schools. This led to the adoption of an amendment to the constitution, prohibiting such use of the school funds.

torial University. A portion of this grant was frittered away in a vain attempt to found a University at least twenty years too early in our history; and, in 1857, when the act authorizing a state government was passed, our member of Congress, Henry M. Rice, secured the insertion of a clause granting two townships for a State University. Although our constitutional convention accepted the grant as proposed, Congress did not actually make the grant until 1870.

In 1862, the Agricultural Land Grant Act was passed by Congress, giving to each state a quantity of land for the support of a college in which agriculture and the mechanic arts, together with military science, should be taught. Under this grant the state received about 94,000 acres, which she turned over to the University, in 1868, after the College of Agriculture had been established as a department of that institution.

The permanent University fund arises from the sale of the lands, 186,518 acres, received under the above-named grants, and from the minerals found thereon. The lands are appraised and sold by the state land commissioner, and the proceeds are invested in bonds and other interest-bearing securities.¹

In 1875, 38,043 acres of what are known as Salt Spring Lands were turned over to the University for the purpose of conducting a geological and natural history survey of the state. The annual income from the sale of these lands has amounted to about \$6,000.

In 1887, Congress passed an act granting \$15,000 per annum to any state which should establish an agri-

¹On January 1, 1896, 42,140 acres of the grants remained unsold. The permanent fund at interest was \$1,100,000.

cultural experimental station under the direction of its College of Agriculture; and in 1890, an act granting \$25,000 per annum for the maintenance of colleges which give instruction in agriculture and the mechanic arts.¹ These two appropriations were secured by the University.

From 1881 to 1888, the annual appropriations by the legislature for the support of the University amounted to \$40,000; from 1888 to 1894, they amounted to to \$65,000. In 1894, a tax of three-twentieths of one mill on each dollar of taxable property in the state was levied in lieu of an appropriation. This tax is to be levied annually. In addition to the above, an annual income is derived from the sale of the products of the experimental farm and from tuition paid by students attending the law and medical departments. The revenue derived from all of the sources above mentioned is used to meet the ordinary *current* expenses of the University.

101. Support of Other Institutions.—The normal schools, the teachers' institutes, and the training schools have been supported by annual appropriations increased from time to time to meet their growing needs.

¹ This act gave \$15,000 for the year ending June 30, 1890, and an annual increase of \$1,000 for ten years, after which time the annual appropriation is to be \$25,000.

CHAPTER XIII

PRIVATE INSTITUTIONS OF LEARNING

102. In addition to the public schools, kindergartens, parochial schools, academies, commercial colleges, seminaries, and higher institutions of learning have been established and maintained by individual or by denominational enterprise. Some of these schools offer superior advantages and are widely patronized. The most prominent of the higher institutions of learning are referred to below.

103. Hamline University.—On April 3, 1854, the Methodists obtained a charter from the territorial government for a university, and in the autumn of the same year a preparatory department was opened at Red Wing. From that time to 1869 over two thousand pupils were enrolled. After a suspension of nine years the work was resumed at Hamline, the present seat of the college, with constantly increasing success. There are two regular college courses and a post-graduate course. The courses are open to students of both sexes.

104. Macalester College.—This college at St. Paul, was founded by Edward D. Neill, the well-known historian of Minnesota. It was named for Charles Macalester, of Philadelphia, who gave the old Winslow House in Minneapolis to the trustees. The college was opened under its present plan in September, 1885, and its first class was graduated in 1889. The policy of co-

education was adopted in 1894. Though under the control of the Presbyterians, the institution is non-sectarian.

105. Carleton College.—This college at Northfield, was organized by the Congregational Association of the state in 1866. Its preparatory department was opened in 1867, and in 1874 the first college class was graduated. The college was named, in 1870, in honor of William Carleton, of Massachusetts, who donated \$50,000 towards its support. Other large gifts have been received, and the institution now rests on a firm financial foundation. Goodsell Observatory, named for C. M. Goodsell, the founder of the college, is the best equipped astronomical observatory in the Northwest. The college is open to pupils of both sexes. Its aim is to provide a thorough and liberal education, with such a spiritual and moral environment as will tend to produce a symmetrical Christian character.

106. St. Olaf College.—This institution at Northfield, was incorporated in 1874. The school began its work in January, 1875, but the college department was not established until the autumn of 1886. The general purpose of the institution is to give young men and women a higher education, and to preserve them in the true Christian faith as taught in the Evangelical Lutheran church.

107. Gustavus Adolphus College.—This college at St. Peter, is supported and controlled by the Minnesota Conference of the Scandinavian Evangelical Lutheran Augustana Synod of North America. The object of the school is to prepare young men for the calling of pastors and teachers in the Evangelical Lutheran

church, as well as to provide the means of acquiring a thorough liberal education, based upon and permeated by the principles of Christianity. The academic department was established in 1876, the collegiate department in 1886, the commercial department and the musical conservatory in 1887, and the normal department in 1893.

108. The College of St. Thomas.— This college at St. Paul, was opened in 1885. Although the institution has two separate and entirely distinct departments, the classical and the commercial, it is distinctively a classical school, aiming to impart a ripe scholarship which will enable Catholic young men to assume the position and wield the influence demanded by church and state.

109. The St. Paul Seminary.— This seminary at St. Paul, is the provincial seminary of the ecclesiastical province of St. Paul. It was founded by J. J. Hill, and was solemnly ‘blessed and dedicated to its sacred work on the fourth day of September, 1895.’ The Seminary is richly endowed. It is the school of the Catholic priesthood of the Northwest, and it aims to give thorough instruction in theology, natural science, political economy, and literature.

CHAPTER XIV

INDUSTRIES AND RESOURCES

110. Agriculture.—Minnesota has a fertile soil, abundant moisture, and a climate favorable to agriculture. Three-quarters of its surface consists of gently rolling, fertile prairie, interspersed with groves, oak-openings, and belts of hard-wood timber, and in much of the wooded section the soil is well suited to tillage and to the growth of grass. The earliest experiments in farming were made by military employes, soon after the occupation of Ft. Snelling. They succeeded in raising wheat, which was ground at the government mill for the use of the troops. Some years later, an Indian opened a farm near Lake Calhoun; and in 1827, as we have learned, a colony of Swiss farmers and stock-growers settled on the military reservation.

111. The first American farmers settled in the agricultural region between the Mississippi and the St. Croix. From 1845 to 1850, farms were opened near Cottage Grove, Red Rock, and Point Douglas, in what is now Washington county. From 1848 to 1851, farming operations were carried on in the vicinity of St. Anthony, one field in 1850 including a part of what is now the University campus. From these humble beginnings, but fifty years ago, our chief industry has grown. The state now has nearly 100,000 farms, with about 7,000,000 acres under cultiva-

tion. Prior to 1878 wheat was the chief staple. It now produces vast quantities of corn, oats, barley, flax-seed, potatoes, and hay, and has taken a front rank in dairy products.

112. Lumbering.—One-fourth of the state was originally covered with forest. The “Big Woods,” or hard-wood belt, crossed by the Minnesota, originally contained about 5,000 square miles. The pine forests on the St. Croix, the Upper Mississippi, and the St. Louis have always been a chief source of wealth. Lumbering was the earliest industry. The lumber used in the construction of Ft. Snelling was cut on Rum River, and sawed in the Government mill at the Falls of St. Anthony, where also the first private saw-mill was erected in the spring of 1850. On the St. Croix, lumbering began in earnest as early as 1837, and it has continued to be a leading industry of that section.

113. Mining.—The northeastern portion of the state is rich in iron, and mines are being worked with great success. Several of the mines on the Mesabi Range are owned by the state, and are leased under a general law, bringing an annual revenue. The first shipment of ore, 62,124 tons, from the Vermilion Range was made in 1884; the first from the Mesabi, 4,245 tons, in 1892. Three mines are now open on the Vermilion Range, and fourteen on the Mesabi. In 1894, the former produced 948,513 tons; the latter 1,785,839 tons.

114. Manufacturing.—The extensive forests of pine, the vast fields of wheat, and abundant water-power tempted capital, and have made Minnesota

famous as a milling state. In 1850, the only grist-mill in the vicinity of the Falls was at Boles Creek. It had but one run of stones, and settlers were obliged to ship their wheat to Prairie du Chien to have it ground, in order to realize from their crops. The Minneapolis Mill Company was incorporated by the territorial legislature Feb. 27, 1856. A log dam, the Cataract Mill, and a saw-mill were built the same year, and the manufacture of lumber and flour soon became important industries. Agricultural implements, wagons, barrels, firkins, and furniture are manufactured in different sections of the state, from hard woods largely obtained from our forests. The manufacture of iron at Duluth and other points is worthy of note.

CHRONOLOGICAL.

- 1659-60. Gosselliers and Radisson wintered among the Sioux in the region of Mille Lacs. They were the first white men to enter Minnesota.
- 1661. Father René Menard, a Jesuit missionary, reached the Upper Mississippi by way of the Wisconsin River.
- 1679. Duluth planted the French arms at Kathio, the great Sioux village, at Mille Lacs.
- 1680. Father Hennepin discovered and named the Falls of St. Anthony.
- 1685-86. Nicholas Perot established the first trading posts on the Upper Mississippi, and opened trade with the Indians west of the river.
- 1695. Le Sueur erected a trading post on Isle Pelee in the Mississippi, not far above Lake Pepin, the first post on Minnesota soil.
- 1700. Le Sueur explored the Minnesota, built a post near the mouth of the Blue Earth, and was the first to supply the Sioux with fire-arms.
- 1763. France ceded Minnesota, east of the Mississippi, to Great Britain; west of it, to Spain.

1766. Jonathan Carver visited the Northwest, the first American explorer.
1787. Minnesota east of the Mississippi became a part of the Northwest Territory.
1803. Napoleon ceded that part of Minnesota west of the Mississippi to the United States. William Morrison discovered the source of the Mississippi.
1805. Zebulon M. Pike, the first government explorer, visited Minnesota, and obtained the Ft. Snelling reservation from the Sioux.
1819. Ft. Snelling established as a post, and Mendota occupied by United States troops. First Indian agent, Maj. L. Taliaferro, appointed; arrived at the post April 19.
1820. Corner stone of Ft. Snelling laid Sept. 10.
1823. First steamboat arrived at Mendota, in June.
1827. Swiss from the Red River settled near Ft. Snelling, on the military reservation.
1837. Chippewas ceded their land on the St. Croix and its tributaries to the United States. Sioux ceded their lands east of the Mississippi.
1838. Peter Parrant built a shanty on the present site of St. Paul.
1849. Territorial government organized June 1. First legislature met Sept. 3.
1850. Colonel Stevens completed and occupied first house in Minneapolis proper.
1851. Capitol, University, and Penitentiary located; Sioux ceded all their lands west of the Mississippi.
1857. Enabling act passed Congress Feb. 26; constitution adopted Oct. 13.
1858. State admitted to the Union; Five-Million Loan Bill passed.
1861. April 13, news of the fall of Sumter. June 22, first regiment embarked for the war.
1862. Sioux outbreak Aug. 18. First railway, ten miles, between St. Paul and Minneapolis, went into operation. Dec. 26, thirty-eight Sioux hanged in Mankato for participation in outbreak.
1865. Regiments returned from the Civil War, and were disbanded. Troops furnished, 25,052.
- 1866-72. Rapid railroad building; immigration heavy; good times.
1873. Cold wave swept over the state Jan. 7, 8, 9; seventy persons perished. Grasshopper raid began; continued five summers.
1876. Sept. 7, gang of armed outlaws from Missouri attacked a bank at Northfield; three outlaws killed, and three captured.

1878. May 2, three flouring mills in Minneapolis exploded; eighteen lives lost.
1880. Hospital at St. Peter partially destroyed by fire; eighteen inmates burned to death, seven died of injuries and fright, and six were missing.
1881. State capitol destroyed by fire, March 1
1884. State prison partially burned Jan. 25.
1889. First electric street railway put in operation in the state, at Stillwater.
1892. Australian Ballot System of voting used at the November election. Republican National Convention held in Minneapolis June 7. People's Party organized.
1893. Great financial crisis. Several banks and many manufacturing establishments failed.
1894. Sept. 1, forest fires, started in the neighborhood of Hinckley, sweep over nearly four hundred square miles of territory, destroy the villages of Hinckley and Sandstone, cause the death of four hundred and seventeen people, render homeless and destitute twenty-two hundred men, women, and children, and entail a property loss of about \$1,000,000.
1895. Abundant yield of farm products. Low prices prevailed.

PART II

CIVIL GOVERNMENT OF MINNESOTA

CHAPTER XV

INTRODUCTION

115. Laws are the established rules of a community or of a state for the government of its inhabitants.

116. Government is control either by laws or by the arbitrary will of a ruler. In our country, it is control by laws. "Government is the operation of laws," is a definition sometimes given. When the laws operate, public improvements go forward, schools are maintained, the poor and the unfortunate are cared for, crime is punished, discord is stayed, peace, order, and happiness reign.

117. Government Officers.—Officers are elected to secure the operation of laws, and the character of the government depends largely upon such officers. For this reason, only honest, capable men should be chosen. The officers who administer the laws are often spoken of as "The Government," but, as before stated, ours is a government by laws, and not of men. People work on the highways, pay taxes, attend court, or go to jail, in obedience to the requirements of law; not because the overseer of highways, the tax collector, the judge, or the sheriff wills it.

"The will of every officer of the government, legislative, executive, or judicial, is subject to a higher will than his own. The constitution and laws are above him in whatever he does, and, in the more important affairs, he takes his oath to preserve, protect, and defend these. He cannot set up his individual will in place of the law."

—*Citizenship*, by Julius H. Seelye, p. 54.

118. Civil Government is the government of the state. In Minnesota, as in other states, it is the government of laws enacted by the people through their chosen representatives.

119. Beginning of Government in Minnesota.—As we have learned, Chap. VIII., the act to establish the territorial government of Minnesota, entitled the "Organic Act," was passed by Congress, March 3, 1849. On the first day of June following, Governor Ramsey issued his proclamation, declaring the territory duly organized. The governor and other executive and judicial officers of the new government were appointed by the president of the United States, with the advice and consent of the senate; the legislative power was vested in the governor and a legislative assembly to be chosen by the people. Every free white male inhabitant, above the age of twenty-one, was allowed to vote at the first election. The legislative power was extended to all rightful subjects of legislation, consistent with the constitution of the United States, and the provisions of the Organic Act, which was the fundamental law of the territory.

120. Political Power Extended.—When the constitution was adopted, and the state was admitted to the Union, the political power of the people was extended. They were authorized to elect state officers, and to manage state affairs in their own way;

but as most of the territorial laws remained in force, and all minor officers were retained for a time, the change from the territorial to the state government produced little friction.

121. A Two-Fold Government.—Matters of interest to the people of all the states are left to the national government. National officers have charge of the public lands, manage the postal system, administer the pension laws, and collect the national revenues. The national government coins money, sustains courts, improves rivers and harbors, regulates interstate commerce, conducts business with foreign nations, and provides for the common defense.¹ The state provides for the safety of its citizens, for the protection of their property, for the education of its children, for the care of its poor and unfortunate. It enforces contracts, punishes crime, makes internal improvements when of great benefit to the people at large. Its legislation is limited to matters within the state, and its courts have no jurisdiction beyond its boundaries.

122. Local Government.—The state properly leaves many things to local regulation. The people of the town, the school district, the village, the city, the county, know best what they want, and they are authorized to elect their own officers, and to manage local affairs as they see fit. Local courts are established, moneys are raised for local improvements, rules are made, and ordinances passed for the government of the people of the several communities.

¹ See Hindsdale's *American Government*, paragraphs 25, 26, 27, 28, 763, 772.

123. Authority for Local Government.—As we have learned, the national government, by act of Congress, authorized a state government. This act was a recognition of the right of the people to manage their own affairs. The state government is local, the United States government is general, but there is no conflict. In like manner, the state recognizes the rights of the people of the several communities within its borders, and through its legislature makes provision for local government. Hence, town, district, village, city, and county governments are established and operated under the authority of state laws, varied to meet the needs of the people. Certain powers and privileges are granted to towns and to villages, and more extended powers and privileges to large cities, but all are subject to the state.

[For questions and topics, see pp. 130, 134]

CHAPTER XVI

THE TOWN

124. How Organized.—When a township has at least twenty-five legal voters, a majority of said voters may petition the board of county commissioners to be organized as a town. On receipt of such petition, the commissioners determine the boundaries of the proposed town, give it a name in accordance with the wishes of the majority of the legal voters therein, designate the time and place for holding its first election, and report their proceedings to the county auditor for record.

125. A Body Corporate.—When a town has elected its officers, it is a body corporate; that is, it is a legal body, endowed with the rights and liabilities of an individual. In business affairs, it acts as a single person, and has the capacity:

1. To sue and be sued.
2. To purchase and hold lands for the use of its inhabitants.

NOTE.—A *township* is a tract of land six miles square (see paragraph —, Part III.). A *town* is the government established and maintained by the people of a township. A committee appointed by the Continental congress, in 1785, to devise a simple and uniform mode of surveying the public lands, reported in favor of divisions ten miles square, called hundreds, with subdivisions one mile square; but these divisions were thought to be too large for the convenience of settlers who would organize local governments, and the township six miles square was substituted. This brings the town meetings within easy reach of the most distant electors, and makes the town government more effective and more satisfactory to all.

3. To make such contracts and to purchase and hold such personal property, as may be necessary for the exercise of its powers.

4. To make such orders for the disposition, regulation, or use of its property as may be deemed conducive to the interests of its inhabitants.

126. Town Meetings.—An annual meeting is held in the several towns of the state on the second Tuesday of March, at which the following officers are elected: Three supervisors, one of whom is designated as chairman; one town clerk, one treasurer, one assessor, two justices of the peace, two constables, and one overseer of highways for each road district.

127. Powers of Electors.—The electors of each town have power at their annual town meeting:

1. To select such town officers as are to be chosen.
2. To locate pounds and appoint pound-masters.
3. To direct the institution or defense of actions in controversies where the town is interested.
4. To direct such sums to be raised as are needed for the prosecution or defense of said actions.
5. To make rules and regulations regarding fences, and the impounding of animals; also to determine what animals, if any, may go at large between the first of April and the fifteenth of October.¹
6. To impose such penalties for the violation of any rule or regulation, except as to fences, as may be deemed proper, the penalty not to exceed ten dollars for each offense; and to apply such penalties, when

¹ Cattle are not allowed to run at large between the fifteenth of October and the first of April. In some counties, animals are not allowed to run at large at any season.

collected, in such manner as may best promote the interests of the town.

7. To raise money for roads and bridges, for support of the poor, and for other necessary town charges.

8. By a two-thirds vote to authorize the issue of town bonds, or orders, with coupons attached.

128. Organizing and Conducting Town Meetings.—Between the hours of nine and ten in the forenoon, the meeting is called to order by the town clerk, or, in his absence, by any voter, and a moderator is chosen by acclamation to preside during the day. The moderator states the business to be transacted, and the order in which it shall be entertained. As presiding officer, he puts all motions, and announces the results. The supervisors, or any two of them, act as judges of election, have charge of the ballot-box, and receive and deposit the ballots as offered. The town clerk writes in the poll-list¹ the names of all persons voting, and records the proceedings of the meeting.

129. Qualifications of Voters.—Every male person of the age of twenty-one years or upwards, who is a citizen of the United States and has resided in this state six months, next preceding any town meeting, shall be entitled to vote at such town meeting, if he shall have resided in the town for thirty days immediately preceding such meeting.²—*Constitution of Minn.*, Article 7, as amended.

¹ A sheet or book arranged to receive the names of voters.

² Prior to the general election held in the autumn of 1896, any male person twenty-one years of age, or upwards, who had simply declared his intentions to become a citizen of the United States, was entitled to vote if he had resided in the United States one year, in the state four months, in the town ten days.

130. Officers, How Elected.—The supervisors, treasurer, town clerk, assessor, justices of the peace, constables, and overseer of the poor are elected by ballot; overseers of highways and the pound master are chosen by “ayes and nays,” or by a “division of the house,” as the electors may determine.¹

131. Terms of Office, Salary.—Justices and constables are chosen for two years, other officers, for one year. The overseer of the poor, and overseers of highways receive no compensation. Supervisors are allowed \$1.50 per day, when attending to business in their own town, and \$2.00 per day, when attending to business out of town. The clerk has the same compensation as a supervisor, with fees instead of a *per diem* for certain work. The pay of the officers may be increased, not to exceed 50 per cent., by resolution at town meeting. Justices and constables collect fees for services.

132. Other Business.—All votes in favor of or against the running at large of cattle, horses, mules, and sheep, must be by ballot. Miscellaneous business is decided by ayes and nays, or by a division of the house when demanded.

133. Canvass of Votes.—The canvass of votes at the close of the election must be public and without interruption until completed. The person receiving the largest number of votes for any office is declared duly elected. In case of a tie, the judges of election at once publicly decide by lot. A full statement of

¹ In deciding a question by a “division of the house,” the voters who are in favor of a measure arrange themselves on one side of the room, and those who are opposed on the other.

the result of the canvass is entered in the minutes of the meeting by the town clerk, who publicly reads such minutes before adjournment.

134. Eligibility, Oath, Bond.—Every person qualified to vote at town meeting is eligible to any town office. Every person elected or appointed to the office of supervisor, town clerk, assessor, treasurer, justice of the peace, or constable, must take an oath to support the constitution of the United States, and of the state of Minnesota, and to faithfully discharge the duties of his office to the best of his ability. The treasurer, clerk, constables, and justices must give bonds, also, for the faithful discharge of their duties.

135. Special Meetings, Vacancies.—The law makes provision for holding special town meetings, for filling vacancies in office caused by resignation or death, and for the settlement of the debts of disorganized towns.

136. Supervisors.—The supervisors of the town have charge of such affairs as are not by law committed to other officers. They are required:

1. To act as judges of elections.
2. To draw orders on the treasurer for the disbursement of moneys belonging to the town.
3. To sit as a board of auditors in the matter of bills against the town, and make report to the town meeting.
4. To direct the legal actions of the town.
5. To prevent the keeping of gaming tables, or to license and regulate the same.
6. To act as a board of health.
7. To act as fence-viewers.
8. To lay out, improve, alter, or discontinue roads.

137. Town Clerk.—The town clerk has the custody of the record books and papers of the town; preserves the oaths of officers, and all other papers filed in his office; records the proceedings of town meetings; files and preserves all accounts audited by the town board or the town meeting; notifies officers of their election; gives notices of meetings; notifies the clerk of court of the election of justices and constables; administers oaths; and takes acknowledgements of legal instruments.¹

138. Treasurer.—The treasurer receives and takes charge of all moneys belonging to the town; pays out the same on the orders of the supervisors; keeps an account of all money received by him, and of the manner in which the same was disbursed; exhibits his account and vouchers to the town board for adjustment at its annual meeting; and delivers all books and money in his hands to his successor in office.

139. Assessor.—All real property subject to taxation is listed and assessed by the assessor every even-numbered year; and all personal property is assessed annually, reference being had to the value of the property, both real and personal, on the first day of May preceding the assessment.

140. Board of Review.—The board of supervisors meets at the office of the town clerk on the fourth Monday in June, to review the assessment of property in the town; to place omitted property on the list; to correct the assessment, so that each article, parcel, or class of personal property shall stand at its

¹In law a legal instrument is a writing expressive of some act, contract, process, or proceeding, as a deed, will, contract, etc.

true and full value; and to listen to all complaints and grievances. The assessor is required to give notice of the meeting of the board of review, to attend the meeting with his assessment books and papers, to note all changes and additions made by the board, and to correct his work accordingly.

141. Town Charges.—The following are deemed proper charges:

1. The compensation of officers for service.
2. Contingent expenses incurred for the town.
3. Moneys raised by vote of town meeting.
4. Every sum raised by law for town purposes.
5. Amount of bonds voted, with interest on the same.

142. Tax Levy.—The moneys necessary to defray town charges are levied on the taxable property of the town, and collected by the county treasurer, the same as other taxes.

143. Justices of the Peace.—Justices have jurisdiction throughout their respective counties. They enforce the laws made for the preservation of the peace. To this end, they have power to arrest all persons who attempt to break the peace, all who break the peace; and all who are charged with any criminal offense. They may commit to jail, require security for good behavior, or bail for appearance at a higher court, according to the nature of the case; but they have no jurisdiction when the punishment for the offense exceeds three months' imprisonment, or exceeds a fine of \$100. In civil cases, justices have jurisdiction of actions on contract for the recovery of money; of actions for damages for injury to person

or property; of actions for a penalty, or on a bond where the sum claimed does not exceed one hundred dollars. They cannot try cases where the title to real estate is involved.

To bail a person is to release him from arrest on a bond for his appearance at court signed by one or more responsible persons. The person who signs a bail bond is called a surety. A civil action is one which is brought for the recovery of money or other property, or for securing damages or compensation for injury to person or property. Crime is a violation of law. Criminal actions have to do with the arrest and trial of persons accused of crimes.

144. Constables.—The jurisdiction of the constable is co-extensive with the county. He ministers to, or waits on, the justice's court; serves warrants, writs, subpoenas and other processes; has charge of juries; sells property under execution, arrests disturbers of the peace, and persons charged with crime.

A warrant is a writing authorizing an officer to seize an offender and bring him to justice. A writ is an instrument in writing, under seal, issued by the court, commanding the performance or non-performance of some act by the person to whom it is directed. A subpoena is a writing commanding the attendance of a person as a witness at court.

145. Trial by Jury.—In civil actions before a justice, either party may demand a trial by jury. In such case, the justice directs the sheriff or any constable to make a list of twenty-four inhabitants of the county, qualified to serve as jurors in the district court, from which each party may strike out six names. In case of neglect or refusal to do so by either or both of the parties, the justice strikes them out, and the twelve men remaining on the list are summoned to serve as jurors. Upon the recorded consent of both parties, a jury of only six men may be ordered.

146. Poundmaster.—The poundmaster has charge of the pound or pounds provided by the town, takes up and detains all animals that are found trespassing or running at large contrary to the regulations made at the town meeting, and gives notice of the sale of such animals unless charges and expenses are paid by owners.

147. Overseer of Highways.—The overseer of highways constructs and repairs roads, warns persons to work on them, collects fines and commutation money, and obeys all lawful orders of the supervisors relating to public roads.

148. Town Supervision of Roads.—Whenever a petition of at least 20 per cent. of the resident taxpayers of any town is filed with the town clerk, at least twenty days prior to the annual town meeting, setting forth that it is deemed expedient to abolish the election of overseers of highways and the collection of poll-taxes, the legal voters of that town may pass a resolution placing the entire control of roads and bridges in the hands of the town supervisors. Upon the passage of such resolution, the old system is abolished, and the town system takes its place. The power conferred on overseers is transferred to supervisors; all taxes for making and repairing roads are paid in money, and collected the same as other taxes; roads are worked by hire or contract, and a competent person may be appointed to superintend the making and repairing of all roads and bridges at a salary not to exceed \$2 per day.

CHAPTER XVII

THE VILLAGE

149. How Incorporated.—Villages are incorporated under the general statutes. The successive steps necessary to incorporation are as follows:

1. The land must be platted into lots and blocks, and a certified copy of the plat filed with the register of deeds.

2. An accurate census of the population must be taken.

3. Thirty or more resident electors must petition the county commissioners to name a time and place for holding an election to decide for or against incorporation, said petition to set forth the boundaries of the proposed village, the quantity of land, the name desired, and the number of residents, which, to secure incorporation, must not fall below one hundred seventy-five.

4. The commissioners must post or publish a notice of an election to vote for or against incorporation, and appoint three inspectors to preside at such election.

5. The inspectors must file a certificate with the county commissioners, giving the result of said election; and if the vote is in favor of incorporation, the commissioners must file the inspectors' certificate, and the original petition and notice of election with the register of deeds for record. When this done, the village is incorporated.

6. The commissioners then post notices of a meeting of the voters to organize under the act of incorporation, and to elect officers for the ensuing year.

150. Elective Officers.—The elective officers of a village are a president, three trustees, a treasurer, and recorder, who hold their respective offices for one year; two justices of the peace, and two constables, who hold for two years.

151. The Village Council.—The president, the three trustees, and the recorder constitute the village council, any three of whom may transact business. The council has power to adopt a corporate seal; to acquire property for the use of the village; to appoint an assessor, attorney, marshal, poundmaster, sextons, fire-wardens, and street commissioners, and to fix compensation for their services. It may establish a fire department and a board of health; lay out, widen, and pave streets; restrain animals, regulate exhibitions, plant trees, maintain libraries, regulate the use of wells, issue licenses, levy and provide for the collection of taxes, and pass all necessary ordinances for the protection of property, the suppression of vice, or for promoting the general good.

152. Other Officers.—The village recorder, or clerk, treasurer, assessor, justices, and constables have the same general duties as are specified in paragraphs 137, 138, 139, 143, 144.

153. Villages of Over 3,000 Inhabitants have the usual powers of municipal corporations, and such others powers as are conferred by the act of 1891, relating to this class of villages. Each village constitutes a separate election district, and is divided into

four wards, with one or more election precincts in each. The elective officers are a president, recorder, treasurer, assessor, two trustees for each ward, chosen for one year, and a municipal judge, chosen for two years. The president and trustees constitute the village council. The president is the chief executive officer, and president of the council. He enforces the law, sees that other officers discharge their duties, and approves or vetoes ordinances.

[The powers of councils in villages of this class are nearly identical with the powers of city councils enumerated in paragraph 158.]

A corporation is an "artificial person," consisting of one or more individuals having certain legal powers, the same as an individual. The village, the town, the city are corporations. A village or city is a municipal corporation.

The legislature of 1895 passed an act for the re-incorporation of villages of 2,000 inhabitants and over, giving such villages all the rights, powers, and privileges conferred upon villages of 3,000 inhabitants and over, incorporated under the provisions of the law of 1891.

CHAPTER XVIII

THE CITY

154. How Incorporated.— Cities are incorporated under a general law, or by a special charter from the legislature. The chief provisions of the general law are as follows:

1. The territory to be included within the limits of the city must contain not less than 2,000 inhabitants.

2. Two-thirds of the legal voters residing within the proposed city limits must sign and have presented to the judge of probate of the county a petition setting forth the metes and bounds of the city and of its several wards, and praying that said city may be incorporated under such name as may therein be designated.

3. On receipt of such petition, the judge of probate must issue an order declaring the city duly incorporated, and he must in such order designate the time and place for holding the first election.

4. Upon the issuance of the order by the judge of probate, the inhabitants within the limits described become a body politic, with power to transact all corporate business, according to the provisions of law.

155. Elective Officers.—The elective officers of a city are a mayor, treasurer, recorder, one justice of the peace for each ward, who is styled city justice, and two aldermen from each ward.

156. Other Officers and Boards.—The city attorney, street commissioner, engineer, assessor, weighmaster, and board of health are elected by the council. Policemen and the board of public works are appointed by the mayor.

157. The Mayor.—The mayor is the chief executive officer and head of the police. He appoints policemen and watchmen; sees that ordinances are enforced, and that the laws of the state are observed; recommends measures to the council for its action; signs orders or resolutions passed by the council, or vetoes the same.

158. Powers of Council.—The council, consisting of aldermen chosen from the several wards, has the management and control of the finances and all property of the city, and full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend, and repeal ordinances,¹ rules, and by-laws for its government. It may license amusements, auctioneers, and butchers; restrain and prohibit gambling and fraudulent devices and practices; pass ordinances for the preservation of health; make rules to prevent the spread of contagious diseases; prevent the sale of unsound meats, and regulate the sale of bread. It may establish and maintain a prison and work-house; provide water-works, gas-works, electric light and heating plants; regulate electric wires, and license or regulate the sale of liquors.

159. The Recorder.—The city recorder keeps the corporate seal, and all the papers and records of

¹ An ordinance is a rule, law, or decree of the council or law-making power of a village or city.

the city; records the proceedings of the council; draws and countersigns all orders on the treasurer; estimates the expenses of the city; countersigns all contracts made in behalf of the city; audits all claims and demands against the city before they are allowed by the council, and keeps an accurate account of indebtedness.

160. The Treasurer.—The treasurer receives all moneys belonging to the city, including taxes, license-moneys, and fines; pays out the same on proper orders, and keeps a detailed account of his transactions, as directed by the council.

161. The City Attorney performs all professional service in behalf of the city, and, when required, furnishes opinions upon any subject submitted to him by the council or its committees. He is the legal adviser of the city.

162. The City Assessor.—This officer performs all duties relating to the assessing of property, for the purpose of levying city, county, and state taxes.

163. The Street Commissioner.—He superintends all work on the streets, bridges, and public grounds of the city, and carries into effect all orders of the council relating to the same.

164. The Surveyor, or Engineer.—The duties of the engineer are prescribed by the common council. He makes surveys, establishes grades of streets, plans the system of sewers, and estimates the cost of bridges and other public works.

165. The Board of Health.—It makes and enforces rules for the preservation of the public health or the suppression of disease. It may require the removal

of offensive matter from houses, streets, and yards, and the draining of cess-pools and swamps. It seeks to supply pure water, and to prevent the sale of unwholesome food.

166. The Weighmaster.—The weighmaster enforces all rules and regulations relating to the place and manner of weighing and selling coal, to the measuring and selling of fire-wood, lime, etc., and to the management of markets.

167. Justices of the Peace.—They have the same powers and duties as justices in towns, and, in addition thereto, exclusive jurisdiction to hear and try all complaints for violation of any provision of the city charter.

168. The Board of Public Works.—This board is made up of citizens of good judgment and business ability. It advises the council concerning public improvements.

169. The Police.—The police perform the duties prescribed by the council for the preservation of the public peace. They possess the powers of constables, serve warrants, writs, etc., issued by the city justices, and have authority to arrest and detain any person guilty of a breach of the peace. The chief of police is appointed by the mayor, with the approval of the council.

170. The Fire Department.—It is organized as a means of protection against the calamities of fire. It includes engine, hook and ladder, and hose companies. Members are exempt from highway work, from serving on juries, and from military duty. They receive such compensation for their services as the council sees fit to allow. The chief engineer, assistant engineers, and one fire warden for each ward are appointed by the council.

The government of the city, of the village, of the town, resembles that of the state. Each is a government in miniature, with a legislative, an executive, and a judicial department. The town meeting makes certain rules for the government of the town. The council passes ordinances (laws) for the government of the people of the city or village. Officers are chosen to execute these laws, and courts are established to administer justice.

Several cities of the state have special charters granted by the Legislature. With the provisions of these charters we cannot deal.

CHAPTER XIX

THE COUNTY

171. How Organized.—The constitution of the state gives the legislature authority to establish and organize¹ new counties. It may also pass laws changing county lines, or removing county seats, but such laws cannot take effect until approved by vote of the electors in the county or counties to be affected. No county can contain less than 400 square miles. The law for the creation and organization of counties provides:

1. That at least twenty-five per cent. of the legal voters residing in the territory to be included in the proposed county shall, not less than ninety days before the next general election, present a petition to the secretary of state praying for the creation and organization of a new county. Said petition must set forth the boundaries of the proposed county, its name, the place where the county seat is to be located, and shall give the names of five suitable persons to serve as county commissioners.

2. That the secretary of state shall immediately file said petition in his office, and notify the governor and state auditor of the receipt of the same, and they shall immediately meet; and if they find that the peti-

¹To *establish* a county is to set apart certain territory for future organization. To *organize* a county is to vest certain corporate rights and powers in the people.

tion is in conformity with law, the governor shall, not less than sixty days before the next general election, issue his proclamation directing that the question of the creation of the proposed new county be submitted to the voters of the county or counties to be affected.

3. That, upon the issuance of the governor's proclamation, the secretary of state shall record the petition and proclamation, and cause the proclamation to be published, and shall mail a copy of it to the auditor of each county to be affected.

4. That, upon the receipt of the proclamation, the proper officers of the county or counties to be affected shall give notice that a vote will be taken at the next general election on the creation of the proposed new county.

5. That, if the vote is in favor of the creation of the new county, the governor shall issue his proclamation to that effect, and the persons named in the petition as commissioners shall proceed to organize the county by choosing the several county officers, and installing them in offices which the commissioners are to provide at the county seat.

172. County Officers.—At the general election, the following officers are chosen: Commissioners, auditor, treasurer, register of deeds, sheriff, county attorney, judge of probate, court commissioner, surveyor, coroner, clerk of district court, and superintendent of schools. The commissioners serve for three years; the court commissioner and clerk of court, for four years; and all other officers, for two years. The register of deeds, sheriff, court commissioner, and clerk of the district court receive fees for

their services. Commissioners are allowed three dollars per day and mileage; the surveyor, four dollars; the county superintendent, not less than ten dollars per district. The auditor is paid according to the value of property in the county; the treasurer receives a certain per cent. of moneys handled. The judge of probate is paid according to the population of the county. The salary of the county attorney is fixed by the commissioners. All officers, except commissioners and the county superintendent, give bonds.

173. County Commissioners.—An organized county is a corporate body. Its powers as such are exercised by a board of commissioners, consisting of five members in counties polling 800 votes or more, and of three members in all other counties. The townships in each county are formed into either five or three groups, according to the number of commissioners, each group constituting a commissioner district, entitled to one commissioner.

174. Powers of Commissioners.—The board of county commissioners provides a county seal; examines and settles all claims against the county; has the care of the county property and the management of its funds; organizes and vacates towns and changes their boundaries; establishes township landmarks and re-establishes section-posts;¹ organizes, and changes the boundaries of school districts; lays out or discontinues roads; selects grand and petit jurors; examines

¹ In surveying the public lands, the surveyor places a post at the four corners of every township, and at the four corners of every square mile or section. The posts at the corners of sections are called section-posts.

the accounts and vouchers of the auditor and treasurer, and makes an annual statement for publication.

175. The Auditor.—The county auditor is the clerk of the board of county commissioners, and keeps an accurate record of its proceedings. He preserves all documents, books, records, maps, and papers required to be kept in his office; keeps an account current with the county treasurer; attests warrants drawn by the chairman of the board of county commissioners; prepares annually a statement of the county finances; computes the taxes of the county, and makes tax lists showing the amount of tax on each piece of real estate and on personal property; and copies these lists into books, which are passed over to the treasurer for his use in collecting taxes.

176. The Treasurer.—The county treasurer receives all moneys directed by law to be paid to him; pays out the same upon the order of the proper authority; and keeps the books of his office in such way that the receipts and disbursements for each day are plainly shown. He is not allowed to speculate in orders or warrants, or with county funds, and must settle with the auditor three times a year.

177. Register of Deeds.—The register of deeds records all deeds, mortgages, and other instruments left in his office for record; keeps a grantee's and grantor's reception book, showing the date on which documents are received, to whom delivered, where recorded, etc.; keeps a tract index of every piece of property showing, in brief, every transaction affecting its title, the book and page where such transaction is recorded, and makes abstract of titles, etc.

178. The Sheriff.—This officer preserves the peace, apprehends felons, executes warrants, writs, and other processes issued by a justice of the peace, by the district court, or other tribunal; attends upon the terms of the district court; has charge of prisoners; sells property under execution, and appoints his own deputies.

179. The County Attorney.—He prosecutes or defends cases where the county is a party; gives opinions and advice to the county commissioners and other county officers relating to their official duties; attends all terms of the district court and other courts having criminal jurisdiction; when requested, attends before the grand jury, and examines witnesses in their presence; attends coroners' inquests; draws bills of indictment; appears in behalf of the state in his own county, when requested to do so by the attorney-general; and makes an annual report to the attorney-general.

180. The Judge of Probate.—This officer or Probate Court, proves or probates wills, grants or revokes letters of administration, and directs the settlement of the estates of deceased persons. The court enforces the payment of debts and legacies, has the care of minor children, appoints and removes guardians, examines persons supposed to be insane, and restrains spendthrifts.

181. The Court Commissioner.—The court commissioner performs certain duties, such as granting writs of attachment or of habeas corpus¹ when the

¹ The Latin words *habeas corpus* mean "you may have the body." The writ of habeas corpus is issued by a court. It directs the sheriff or other officer to bring the body of the prisoner into court for the

district judge is absent, as is often the case when the judicial district includes several counties.

182. The County Surveyor.—This officer runs boundary lines; lays out roads and streets; plats cemeteries, town-sites, and public grounds; replaces missing land-marks of original surveys; keeps a record of surveys made, and preserves a copy of all field-notes and calculations of each survey, and delivers his record and notes to his successor in office.

183. The Coroner.—The coroner holds inquests over the bodies of persons who have come to their death by violence, and may provide burial where the person is unknown. He may also issue processes for the arrest of guilty parties. When the office of sheriff is vacant, the coroner exercises the duties of that officer.

184. The Clerk of the District Court.—He keeps a record of all actions, enters the judgment in each action, the name of the party to the judgment, and the amount of the judgment. He issues executions, warrants, and subpœnas, on the order of the court; takes acknowledgments and depositions; files indictments; issues marriage licenses, and solemnizes marriages.

County Superintendent.—(See paragraph 301.)

purpose of inquiring into the cause of detention. If the judge finds that the prisoner is wrongfully detained, he orders him released; if, on the other hand, the prisoner is lawfully held, the judge remands him to prison. In this way the freedom of innocent persons is secured without unnecessary delay.

QUESTIONS AND TOPICS RELATING TO PRECEDING CHAPTERS

The questions and topics given below will, it is hoped, stimulate thought, familiarize pupils with local affairs, lead them to see that local government affects the people in many ways, and prepare the way for the study of the government of the state and of the nation.

Pupils may obtain the required information from intelligent citizens, from the records of the town clerk, the village or city recorder, or other officers, and from local newspapers.

The more important blanks used by town, village, and city officers in the discharge of their duties may be obtained for a small sum. With proper explanations of such blanks, pupils will be able to gain clear ideas of the nature of deeds, mortgages, writs, warrants, etc., and of the nature of services performed.

THE TOWN

1. In what year was your town organized?
2. Name the first town clerk, the first supervisors, the first justices.
3. How many voters are there in the town?
4. How many votes were cast at the last town meeting? Does the number of votes cast indicate that the people are, as a rule, interested in local government?
5. What questions, if any, were acted on at the last annual town meeting? Were they decided by ballot, or by "ayes and nays"?
6. Were the town officers elected by either party, or did both parties unite to choose good men?
7. Which is the better plan? Why?
8. What property does the town own, and for what is it used?

9. State what regulations the town has made regarding fences, the running at large of animals, and the impounding of trespassing animals.

10. State what amount was voted at the last town-meeting for roads and bridges, for the support of the poor, and for other town expenses.

11. State whether the town has issued bonds; their amount and rate of interest.

12. Where can you find a record of the town's doings?

13. Have the supervisors issued any orders relating to public health?

14. How many public schools in the township?

15. What schools have planted trees and ornamented their grounds?

16. What amount of tax was levied at the last school meeting in your district for the support of schools?

17. How much money does your district draw from the public school fund?

18. Enumerate the advantages of town government?

THE VILLAGE

1. When was your village incorporated? What is its population? How many voters are there?

2. Name the officers composing the council.

3. Name the officers who have been appointed by the council, and state what duties each performs.

4. State what ordinances are in force for the protection of property, for the suppression of vice, for the promotion of the public health, and for the restraint of animals.

5. State whether saloons or gaming tables have been licensed, parks laid out, trees planted, and a library established.

6. Has a fire department been organized?

7. Where can you find a record of ordinances, licenses, etc.?

8. State whether the village has a bonded debt, and what provision has been made for the payment of its bonds.

9. How many schools are maintained in the village? What is their annual cost?

THE CITY

1. Was your city incorporated under the general laws of the state or under a special charter?

2. When was it incorporated? What is its population?

3. How many wards are there? How many voters?

4. Of how many members is the council composed?

5. What important questions, if any, have been before the council during the last three months?

6. What number of saloons have been licensed?

7. What provisions have been made for protection against fire?

8. State whether the city has provided adequate sewers, an abundant supply of pure water, means for the removal of filth, hospitals, public parks, public baths. State what it has done to prevent the sale of unwholesome food, to abate nuisances, and prevent the spread of contagious and infectious diseases.

9. What attention has been given to public libraries and reading-rooms?

10. What buildings are owned by the city?

11. How many men are employed on the police force?

12. How many courts are there, including justices' courts?

13. State what public works are projected or are being carried on. Is public property well cared for? Is the city in debt?

14. What is the present rate of taxation? How does it compare with the rate in other cities?

15. How many school buildings has the city? How many teachers are employed? How are school books and apparatus furnished? What sum is annually paid for the support of schools?

16. Do people in general regard the city as well governed? In what way might the government be improved?

THE COUNTY

1. When was your county organized? How many townships does it contain?

2. How many election districts outside the chief city?

3. How many votes were polled in the county at the last general election? How many political parties were there?

4. How many district schools are maintained in the county? How many graded schools? How many districts have adopted the free text-book system? How many have libraries?

5. What public buildings does the county own? What is their condition?

6. How many representatives and how many senators has the county in the state legislature? What should be the character of the men chosen to make laws?

7. How many commissioner districts are there in the county? In which commissioner district do you live? Why is the office of county commissioner an important one?

8. Name the most essential qualifications of an auditor, assessor, judge of probate, sheriff, treasurer, and county superintendent.

CHAPTER XX

THE STATE

185. How Created.—The creation of the state and its admission to the Union required the following steps :

1. The passage by Congress of an act authorizing a state government.
2. The acceptance by the convention which was to frame the constitution¹ of the offers contained in this act.
3. The preparation and adoption of a constitution.
4. The passage of an act admitting the state to the Union.

The act authorizing a state government defined the boundaries of the proposed state; made provision for the election of delegates, who should decide by vote whether the people wished to be admitted to the Union at that time, and, if so, to proceed to form a constitution, subject to the approval of the people. It also provided for a census to determine the number of representatives in Congress to which the state would be entitled. The act offered, subject to the acceptance or rejection of the convention, which framed the constitution :

1. Sections sixteen and thirty-six in every township for the use of schools.
2. Seventy-two sections for the use and support of a University.

¹ Refer to Chapter VIII.

3. Ten entire sections for the completion of public buildings, or the erection of new ones at the seat of government.

4. All salt springs, not exceeding twelve, with six sections of land adjoining, for the use of the state, as the legislature might direct.

5. Five per cent. of the net proceeds of the sale of public lands by the United States after the state was admitted, for roads and other internal improvements.

The delegates chosen by the people decided in favor of statehood, gladly accepted the several offers made by the general Government, and proceeded to draft a constitution, which was adopted by popular vote, October 13, 1857.

186. The Constitution.—A constitution is a written statement of the fundamental rules of government. Its authority is superior to that of the government organized under it. All acts of the legislative, of the executive, or of the judicial department of the government must be within the limits marked out by the constitution, or they are void. The constitution of Minnesota was adopted to regulate the actions of the several departments of our government, and to secure the rights of the people. We have learned that it was framed by a body of men chosen for the purpose, and that it was adopted by vote of the people. Amendments to the constitution must be proposed by a majority of both houses of the legislature, and submitted to the people for approval or rejection. To revise the constitution, two-thirds of the members of the legislature must recommend to the electors to vote for or against a convention for revision. If the

vote is in favor of such convention, the legislature makes provision for calling the same.

187. Provisions of the Constitution.—The following is a general outline of the provisions of the constitution. Preamble: "We, the people of the State of Minnesota, grateful to God for our civil and religious liberty, and desiring to perpetuate its blessings and secure the same to ourselves and our posterity, do ordain and establish this constitution." The "Bill of Rights," Article I., asserts or guarantees the following:

1. Government is instituted for the benefit and protection of the people, in whom all political power is inherent.

2. There shall be neither slavery nor involuntary servitude, save in punishment of crime.

3. Liberty of the press and freedom of speech shall remain forever inviolate.

4. The right of trial by jury shall remain inviolate, and excessive bail shall not be required.

5. The accused shall have a speedy public trial by an impartial jury.

6. The people shall be secure in their persons, houses, papers, and effects against unreasonable search and seizure.

7. No bill of attainder or *ex post facto* law shall be passed, and no conviction shall work corruption of blood or forfeiture of estate.¹

¹Attainder in law is the extinction of civil rights as a consequence of a sentence of death for a capital crime. In England, long ago, the criminal forfeited his land, his blood was corrupted, and he could not transmit his estate, even to his children. A bill of

8. There shall be no imprisonment for debt, and a reasonable amount of property shall be exempt from seizure or sale.

9. Private property shall not be taken for public use without reasonable compensation therefor.

10. The military shall be subordinate to the civil power, and no standing army shall be kept in the state in the time of peace.

11. The right of every man to worship God according to the dictates of his own conscience, shall never be infringed, nor shall any man be compelled to attend, erect, or support any place of worship, or to maintain any religious or ecclesiastical ministry.

12. No religious test or amount of property shall ever be required as a qualification for any office of public trust under the state; neither shall any religious test be required of any voter, or of any witness in any court.

188. Other Matters.—Following the bill of rights, the constitution provides for the division of the powers of government into three departments,—legislative, executive, and judicial; for the organization and general procedure of each department; for the elective franchise; for a uniform system of public schools; for equal taxation; for the issue of state bonds; for a general banking law; for the creation of corporations; for the formation and organization of counties and towns; for impeachment and removal from office of public officers; and for amendments to the constitution itself.

attainder is a legislative act which inflicts punishment without judicial trial. See Hinsdale's *American Government*, par. 427.

CHAPTER XXI

THE LEGISLATIVE DEPARTMENT

189. The Legislative, or law-making, department of the state government consists of a senate and a house of representatives, whose members are chosen from the senatorial and representative districts into which the state is divided. The legislature meets biennially on the first Tuesday after the first Monday in January, in odd-numbered years. By constitutional amendment, its sessions are limited to ninety working days. The legislative term for representatives is two years; for senators, four years. The number of members of the legislature is prescribed by law. For 1895, it was composed of fifty-four senators and one hundred and fourteen representatives, this being one senator for every 24,000 inhabitants, and one representative for every 12,300. The compensation of members is five dollars per day, and mileage at the rate of fifteen cents a mile for going to the capital from their homes, and also for returning.

190. Qualifications of Members.—Senators and representatives must be citizens, and must have resided one year in the state, and six months immediately preceding the election in the district which they represent. Before entering on their duties, they must take the customary oath of office.

191. Powers.—The constitution gives to each house the power:

1. To judge of the election returns and of the eligibility of its own members.

2. To adjourn from day to day, and compel the attendance of absent members when a quorum is not present.

3. To determine its own rules; to set its times for adjournment; to punish members for disorderly conduct; to expel members by a two-thirds vote.

4. To punish persons guilty of disorderly conduct or contemptuous behavior in its presence.

To the legislature is given the power:

- a.* To exclude from the privilege of electing or being elected any person convicted of bribery, perjury, or other infamous crime.

- b.* To provide by law for the enumeration of the inhabitants of the state every tenth year, beginning with 1865.

- c.* After each of said enumerations, and also after the enumeration made by the United States, to prescribe the bounds of congressional, senatorial, and representative districts, and to apportion anew the senators and representatives among the several sections in proportion to the population.

- d.* In joint convention of the two houses, to elect United States senators.

192. Duties.—Each house must:

1. Keep a journal of its proceedings, and publish the same; and the “ayes and nays,” when taken on any question, must be entered on such journal.

2. Prescribe the manner in which evidence shall be taken in case of contested seats.

3. Allow the public to attend its sessions, save when secrecy is important.

4. Vote *viva voce* in all elections, and record such votes in the journal.

193. Privileges.—Except for treason, felony, or breach of the peace, members are privileged from arrest during the sessions of their respective houses, and in going to or returning from the same; and for any speech or debate in either house, they are not to be questioned in any other place. Two or more members of either house may protest against any act or resolution which they may think injurious to the public or to any individual, and have their protest recorded in the journal.

194. Limitations.—The constitution imposes the following limitations: No member shall be expelled for the second time for the same offense. Neither house shall adjourn for more than three working days, nor to any other place than the one where the legislature may be sitting, without the consent of the other house. No increase of compensation shall be prescribed to take effect during the term for which members have been elected. No member can hold any office under the authority of the United States, except that of postmaster, and no office under the state which has been created, or the emoluments of which have been increased, during the session of the legislature of which he is a member, until one year after the expiration of his term. No money can be appropriated except by bill, and every order, resolution, or vote requiring the concurrence of the two houses must have the signature of the governor before

the same shall take effect, save when re-passed over the governor's veto by a two-thirds vote of the members of the two houses.

195. Prohibitions.—The legislature shall never authorize any lottery, or the sale of lottery tickets. Divorces shall not be granted by the legislature.

196. Special Laws.—No special law may be enacted where a general law can be made applicable. The legislature shall not pass special laws:

1. Regulating the affairs of, or incorporating, or changing the boundaries of any county, town, city, ward, village, or school district.

2. Authorizing the laying out, opening, maintaining, or vacating roads or streets.

3. Remitting fines, penalties, or forfeitures.

4. Regulating the powers, duties, or practices of justices and constables.

5. Changing the names of persons, places, lakes, or rivers.

6. For opening and conducting elections, or fixing the places of voting.

7. Authorizing the adoption of children.

8. Changing the laws of descent or succession.

9. Conferring rights upon minors, or giving effect to invalid wills or deeds.

10. Locating or changing a county seat.

11. Regulating the management of public schools.

12. Exempting property from taxation, or regulating the rate of interest on money.

197. General Laws.—The legislature is required to pass general laws covering matters enumerated in paragraph 196, said laws to be uniform in their opera-

tion throughout the state, thus preventing innumerable enactments of local application, and removing a chief source of corruption.

198. The House of Representatives.—The house of representatives elects its speaker, or presiding officer; originates all bills for raising revenue; and has the sole power of impeachment.

199. The Senate.—The senate tries all cases of impeachment¹ arising in the house; and while sitting as a court of impeachment, members are sworn to do justice according to law and evidence. No person can be convicted without the concurrence of two-thirds of the members present.

200. The Passage of Bills.—The words, “Be it Enacted by the Legislature of the State of Minnesota,” must stand as the introduction to every law, and no law may embrace more than one subject, which must be expressed in its title. To be passed, a law must receive the votes of a majority of all the members elected to each branch of the legislature, and the vote must be entered on the journal of each house. Every bill must be read on three different days in each house, unless in case of urgency, when the rules may be suspended by a two-thirds vote, and the bill read but twice. Every bill, after passing both houses, must be carefully enrolled, signed by the presiding officer of each house, and sent to the governor for his signature. Should he refuse to sign it, a two-thirds majority of both houses may pass it over his veto. If the governor does not return a bill within

¹To impeach is to charge with a crime or misdemeanor. The act of charging with a crime or misdemeanor is impeachment.

three days, Sunday excepted, the bill becomes a law without his signature, provided that the legislature has not adjourned in the meantime. Without the written consent of the governor, new bills cannot be introduced during the last twenty days of the session; nor can a bill be passed on the last day of the session, though it may be enrolled, signed, and transmitted from house to house, or to the governor.

STATE SENATORIAL AND REPRESENTATIVE DISTRICTS.

Apportionment of 1889 (the last).

FIRST DISTRICT—Houston county, 1 senator and 1 representative.

SECOND DISTRICT—Fillmore county, 1 senator and 3 representatives.

THIRD DISTRICT—Mower county, 1 senator and 2 representatives.

FOURTH DISTRICT—Freeborn county, 1 senator and 2 representatives.

FIFTH DISTRICT—Faribault county, 1 senator and 1 representative.

SIXTH DISTRICT—Martin and Watonwan counties, 1 senator and 1 representative.

SEVENTH DISTRICT—Nobles, Murray, Rock and Pipestone counties, 1 senator and 3 representatives.

EIGHTH DISTRICT—Jackson and Cottonwood counties, 1 senator and 1 representative.

NINTH DISTRICT—Brown and Redwood counties, 1 senator and 2 representatives.

TENTH DISTRICT—Blue Earth county, 1 senator and 3 representatives.

ELEVENTH DISTRICTS—Waseca county, 1 senator and 1 representative.

TWELFTH DISTRICT—Steele county, 1 senator and 1 representative.

THIRTEENTH DISTRICT—Dodge county, 1 senator and 1 representative.

FOURTEENTH DISTRICT—Olmsted county, 1 senator and 2 representatives.

FIFTEENTH DISTRICT—Winona county, 1 senator and 4 representatives.

SIXTEENTH DISTRICT—Lyon, Lincoln and Yellow Medicine counties, 1 senator and 2 representatives.

SEVENTEENTH DISTRICT—Nicollet county, 1 senator and 1 representative.

EIGHTEENTH DISTRICT—Sibley county, 1 senator and 1 representative.

NINETEENTH DISTRICT—Le Sueur county, 1 senator and 2 representatives.

TWENTIETH DISTRICT—Rice county, 1 senator and 3 representatives.

TWENTY-FIRST DISTRICT—Goodhue county, 1 senator and 3 representatives.

TWENTY-SECOND DISTRICT—Wabasha county, 1 senator and 1 representative.

TWENTY-THIRD DISTRICT—Washington county, 1 senator and 3 representatives.

TWENTY-FOURTH DISTRICT—Dakota county, 1 senator and 2 representatives.

TWENTY-FIFTH DISTRICT—Ramsey county, in part, 1 senator and 3 representatives.

TWENTY-SIXTH DISTRICT—Ramsey county, in part, 1 senator and 3 representatives.

TWENTY-SEVENTH DISTRICT—Ramsey county, in part, 1 senator and 2 representatives.

TWENTY-EIGHTH DISTRICT—Ramsey county, in part, 1 senator and 2 representatives.

TWENTY-NINTH DISTRICT—Hennepin county, in part, 1 senator and 2 representatives.

THIRTIETH DISTRICT—Hennepin county, in part, 1 senator and 2 representatives.

THIRTY-FIRST DISTRICT—Hennepin county, in part, 1 senator and 3 representatives.

THIRTY-SECOND DISTRICT—Hennepin county, in part, 1 senator and 4 representatives.

THIRTY-THIRD DISTRICT—Hennepin county, in part, 1 senator and 2 representatives.

THIRTY-FOURTH DISTRICT—Hennepin county, in part, 1 senator and 2 representatives.

THIRTY-FIFTH DISTRICT—Anoka and Isanti counties, 1 senator and 1 representative.

THIRTY-SIXTH DISTRICT—Scott county, 1 senator and 1 representative.

THIRTY-SEVENTH DISTRICT—Carver county, 1 senator and 1 representative.

THIRTY-EIGHTH DISTRICT—Wright and part of Sherburne county, 1 senator and 4 representatives.

THIRTY-NINTH DISTRICT—Meeker county, 1 senator and 1 representative.

FORTIETH DISTRICT—McLeod county, 1 senator and 1 representative.

FORTY-FIRST DISTRICT—Kandiyohi county, 1 senator and 1 representative.

FORTY-SECOND DISTRICT—Renville county, 1 senator and 1 representative.

FORTY-THIRD DISTRICT—Lac qui Parle, Swift, and Chippewa counties, 1 senator and 3 representatives.

FORTY-FOURTH DISTRICT—Chisago, Kanabec, and Pine counties, 1 senator and 1 representative.

FORTY-FIFTH DISTRICT—Stearns, Benton, and the seventh ward of the city of St. Cloud, in Sherburne county, 1 senator and 4 representatives.

FORTY-SIXTH DISTRICT—Crow Wing, Morrison, Todd, and Mille Lacs counties, 1 senator and 4 representatives.

FORTY-SEVENTH DISTRICT—Pope and Douglas counties, 1 senator and 2 representatives.

FORTY-EIGHTH DISTRICT—Otter Tail county, 1 senator and 4 representatives.

FORTY-NINTH DISTRICT—Big Stone, Grant, Stevens, and Traverse counties, 1 senator and 2 representatives.

FIFTIETH DISTRICT—Wilkin, Clay, and Becker counties, 1 senator and 3 representatives.

FIFTY-FIRST DISTRICT—Polk, Beltrami, and Norman counties, 1 senator and 3 representatives.

FIFTY-SECOND DISTRICT—Marshall and Kittson counties, 1 senator and 1 representative.

FIFTY-THIRD DISTRICT—Aitken, Cass, Itasca, Hubbard, Wadena, and Carlton counties, 1 senator and 1 representative.

FIFTY-FOURTH DISTRICT—St. Louis, Lake, and Cook counties, 1 senator and 3 representatives.

Fifty-four senators and one hundred and fourteen representatives.

CHAPTER XXII

THE EXECUTIVE DEPARTMENT

201.—The constitution says: “The executive department shall consist of a governor, lieutenant-governor, secretary of state, auditor, treasurer, and attorney-general, who shall be chosen by the electors of the state.”

202. Board of Canvassers.—The returns of every election for state executive officers are made to the secretary of state, who calls to his assistance two or more judges of the supreme court and two judges of the district courts, who, together, constitute a board of canvassers. This board opens and canvasses the returns, and declares the result within three days thereafter.

203. Qualifications of Governor.—The governor must be a citizen of the United States, at least twenty-five years of age, and a resident of the state for one year next preceding his election.

204. Powers of the Governor.—The governor is the legal custodian of the property of the state. He sees that the laws are faithfully executed, is commander-in-chief of the military forces, and may call out the same to execute the laws, suppress insurrection or repel invasion. He communicates by message to the legislature such information as he deems expedient, approves or disapproves (vetoes) all bills passed by the legislature, and may convene the

legislature on extraordinary occasions. In conjunction with the board of pardons he may grant reprieves and pardon offenses against the state. He must fill any vacancy that may occur in the office of secretary of state, treasurer, auditor, or attorney-general, or in other state and district offices. The lieutenant-governor must have the same qualifications as the governor. He is president of the senate, and becomes governor in case of a vacancy in that office.

205. Secretary of State.—The secretary of state has custody of the state seal and of all the records of the state, makes indexes to laws and executive documents, distributes laws when printed, records articles of incorporation and other instruments, and issues proclamations under the direction of the governor.



206. Auditor.—The state auditor examines all accounts and claims against the state, issues warrants on the state treasury for the payment of the same, keeps a record of the number of such warrants, and of the amount and date of issue, has charge of the public lands of the state, makes a record of public accounts, and files all receipts and vouchers relating to the business of his office, keeps a regular account with the treasurer, and makes an annual statement of the receipts and disbursements of the treasury.

207. Treasurer.—The state treasurer has charge of all moneys paid into the treasury, and pays out the same as directed by law. He reports to each branch of the legislature the state of public accounts, the amount received from different sources, the condition of the school and other funds in his hands, and keeps an accurate account of all transactions in his department. His books are carefully inspected from time to time by a board of audit, consisting of the governor, the secretary of state, and the attorney-general.

208. Attorney-General.—The attorney-general is the legal advisor of the state officers, and of the directors of state institutions. When so required, he gives his written opinion on any question of law to either branch of the legislature. He appears for the state in cases before the supreme court, where the state is directly interested, and, upon request of the governor, prosecutes any person charged with an indictable offense. When requested by the county attorney, he appears in criminal cases in the district court.

GOVERNORS OF THE STATE.

Henry H. Sibley: May 24, 1858, to January 2, 1860.

Alexander Ramsey: January 2, 1860, to July 10, 1863.

Henry A. Swift: July 10, 1863, to January 11, 1864.

Stephen Miller: January 11, 1864, to January 8, 1866.

William R. Marshall: January 8, 1866, to January 9, 1870.

Horace Austin: January 9, 1870, to January 7, 1874.

Cushman K. Davis: January 7, 1874, to January 7, 1876.

John S. Pillsbury: January 7, 1876, to January 10, 1882.

Lucius F. Hubbard: January 10, 1882, to January 5, 1887.

A. R. McGill: January 5, 1887, to January 9, 1889.

William R. Merriam: January 9, 1889, to January 4, 1893.

Knute Nelson: January 4, 1893, to January 31, 1895.

David M. Clough: January 31, 1895, to ———

CHAPTER XXIII

ADMINISTRATIVE OFFICERS, COMMISSIONS, AND BOARDS

209. Public Examiner.—The public examiner is appointed by the governor with the consent of the senate. His powers and duties are:

1. To visit the public institutions of the state and exercise a constant supervision over their books and financial accounts.

2. To enforce a correct system of bookkeeping by state and county treasurers and auditors; to ascertain the financial standing of bondsmen; to inspect and verify the character and amount of securities held by public officers.

3. To ascertain by examination the financial condition of all banking, savings, and other moneyed corporations organized under state laws.

4. To make an annual report to the governor, giving an abstract of the financial condition of the state institutions, and of county and state finances.

210. Librarian.—The state librarian has the custody of the state library¹, consisting of books, pamphlets, maps, charts, and documents owned by the state and under control of the judges of the supreme court.

211. Adjutant-General.—The adjutant-general is the custodian of all records, books, papers, and ac-

¹ Largely a law library.

counts of the military department of the state. He keeps accounts with the military storekeeper, and, under the governor, issues requisitions for arms and ammunition.

212. Oil Inspector.—The oil inspector tests the character of illuminating oils, and, if found to be dangerously explosive, prevents their sale. Although not required by law, he keeps a record of fires originating from the use of kerosene, gasoline, and naphtha, with a view to further legislation for safety.

Land Commissioner.—(See paragraph 206, p. 148).

213. The Insurance Commissioner.—The insurance commissioner sees that all laws of the state relating to insurance companies are faithfully executed; examines the business of companies operating in the state; publishes the results of his examinations; proceeds against unsafe companies; reports violations of law to the attorney-general, and makes an annual report to the governor.

214. The Commissioner of Statistics.—This officer was at one time the general statistician of the state, but his work is now limited to the gathering of such agricultural statistics as are deemed of value, and to the preparation of the same for publication in the report of the agricultural society.

215. Dairy and Food Commission.—This commission was established to protect the people against fraud practiced in the manufacture and sale of dairy-products, baking-powders, vinegar, lard, spirituous and malt liquors. These and other articles offered for sale are carefully tested, and violators of the law are prosecuted by the commission.

216. Railroad and Warehouse Commission.—

This commission establishes the grade for all kinds of grain bought or handled by any public warehouse; appoints a chief inspector of grain and a weigh-master with necessary assistants; sees that equitable rates are charged for storage and transportation; and enforces other provisions of the state grain law.

217. Printing Commission.—The secretary of state, the state auditor, and the state treasurer constitute the printing commission. This commission lets the contracts for the printing of blanks, reports, and all other matter required by the state, and has supervision of the work. The person with whom the contract is made is known as the state printer.

218. The Game and Fish Commissioners.—This board was created pursuant to an act for the preservation, propagation, and protection of the game and fish of the state. It has charge of the extensive fish hatchery at Willow Creek, near St. Paul, and has stocked many of the lakes and streams of the state with pike, trout, and other food fishes. It also enforces the provisions of the law relating to the killing or selling of game out of season.

219. Bureau of Labor.—This bureau collects statistics relating to all departments of labor; examines into the commercial, industrial, social, educational, and sanitary condition of the laboring classes; inspects factories and other establishments where people are employed as laborers; enforces the laws regulating the employment of children, minors, and women, and the laws established for the protection of the health and the lives of operatives. The bureau publishes statistics and observations, together with suggestions and

recommendations for the improvement of the conditions of labor.

220. Surveyors of Logs and Lumber.—The duties of these officers are to measure the logs that are cut and floated into the streams in the seven lumber districts of the state, and to keep a record of marks indicating ownership, etc.

221. Board of Health and Vital Statistics.—This board co-operates with the health service of the state, consisting of over seventeen hundred town, village, and city boards. It investigates the causes of epidemics, the influence of localities, employments, etc., on the public health; has supervision of springs, wells, streams, and lakes, as sources of water supply; makes regulations for the cleansing, ventilation, and disinfection of houses and cars, and for the quarantine of infected persons. It enforces all provisions of law relating to the removal of filth and other causes of disease, collects statistics of birth and death, and publishes information relating to the preservation and control of disease.

222. Boiler Inspectors.—They are appointed for the better protection of life and property. They are required to inspect steam vessels and steam engines, to examine and license engineers of such engines; also masters and pilots of steamboats on the inland waters of the state. They have nothing to do with locomotives or their engineers.

223. Board of Arbitration and Conciliation.—This board was created for the purpose of abating the evils arising from conflicts between labor and capital. It investigates cases of disagreement, and

seeks to bring about a peaceful settlement of difficulties.

224. Board of Medical Examiners.—This board consists of nine physicians in good standing. It holds public examinations of applicants who wish to practice medicine in the state, and issues licenses to those who are found qualified.

225. Board of Pharmacy.—This board is composed of five pharmacists. It examines and registers persons who desire to compound, dispense, or retail drugs, medicines, or poisons. No one can keep a pharmacy or a drug store unless registered as a pharmacist, or having in his employ a person so registered.

226. Board of Dental Examiners.—This board has five members. It examines and issues certificates of registration to applicants who are qualified to practice dentistry.

227. Board of Law Examiners.—This board has one member for each congressional district. It examines candidates for admission to the bar.

CHAPTER XXIV

THE JUDICIAL DEPARTMENT

228. The judicial power of the state is vested in a supreme court, district courts, probate courts, justices' courts, and such other courts, inferior to the supreme court, as may be established by the legislature.

229. The Supreme Court.—It consists of one chief justice and four associate justices, chosen by the electors of the state at large for a term of six years. Its duties are:

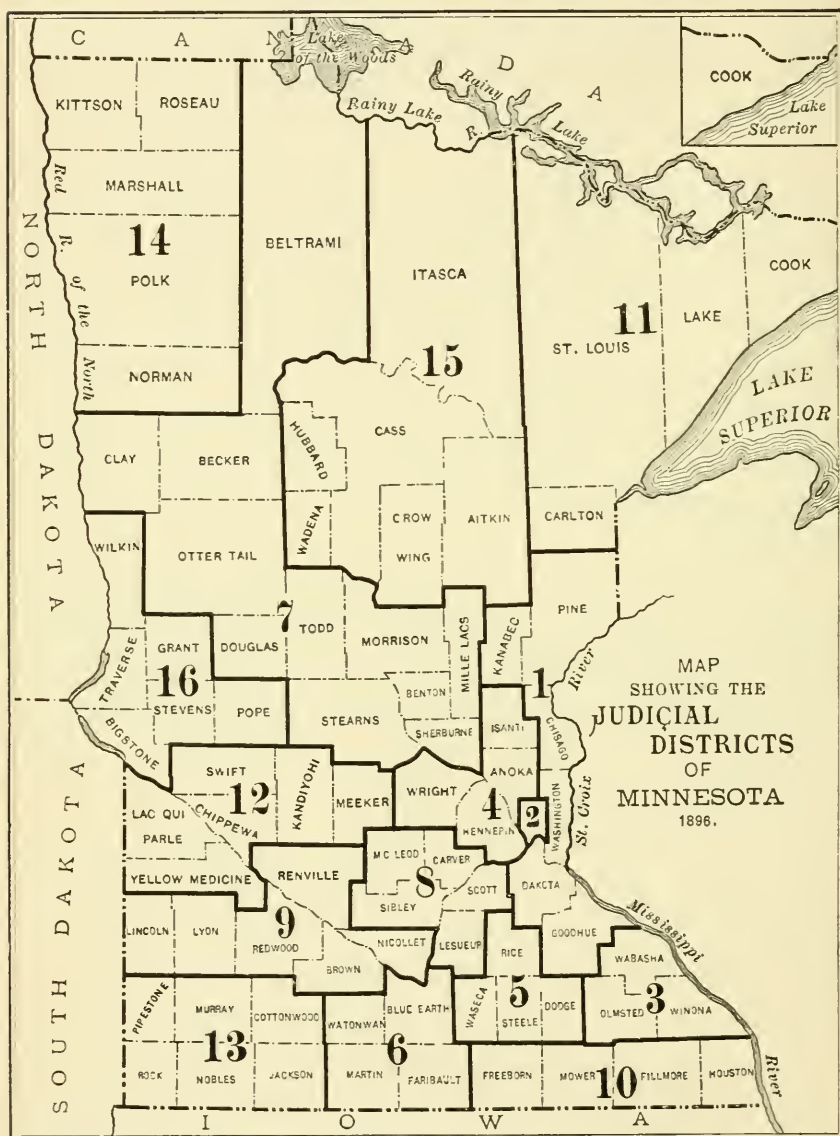
1. To pass upon the constitutionality of law. To be valid, a law must be in harmony with the constitution; when it conflicts with that instrument, it is said to be unconstitutional and hence void. The supreme court, composed of "men learned in the law," decides questions of constitutionality.

2. To interpret laws. The true meaning of a law is not always clear, and different interpretations may be given in the lower courts. The supreme court gives its interpretation and its decision is authoritative.

3. To review cases on appeal. Decisions in the lower courts are not always satisfactory, and cases are taken to the supreme court on appeal. It reviews them and decides questions of law, but has nothing to do with questions of fact.

4. To issue certain remedial writs, such as the writ

of habeas corpus, in order to secure justice without unnecessary delay.



230. Court of Final Appeal.—In nearly all cases, the decisions of the supreme court of the state are

final. An appeal to the supreme court of the United States can be taken only on the ground that the state constitution or law is not in harmony with the constitution of the United States.

231. Clerk of the Supreme Court.—The electors of the state choose a clerk of the supreme court, who holds his office for four years. He makes a complete record of each case that comes before the court, furnishes syllabuses for publication in the daily papers, and performs other duties imposed by law and by the rules of the court.

232. Reporter.—The supreme court appoints a reporter, whose duty it is to prepare all decisions of the court for publication, in volumes of not less than six hundred pages each. These volumes are known as the "Minnesota Reports." They are furnished to the clerks of district courts and to judges of the municipal courts for reference.

233. District Courts.—The legislature has divided the state into sixteen judicial districts, bounded by county lines, and containing a population as nearly equal as practicable. Each district elects one or more judges for a term of six years. At the present time two of the most populous districts have six judges each.

234. Jurisdiction.—The district courts have original¹ jurisdiction in all civil cases where the amount in controversy exceeds one hundred dollars, and in all criminal cases where the punishment exceeds three months' imprisonment, or a fine of more than one

¹ Courts before which cases are brought in the first instance are said to have original jurisdiction.

hundred dollars. They have appellate¹ jurisdiction in civil and criminal cases from municipal, probate, and justices' courts.

235. Municipal Courts.—In the chief cities of the state municipal courts have been established by acts of the legislature, authorized by the constitution. They are courts of record,² having a clerk and seal, and their jurisdiction, determined by the act creating them, is much more extended than is the jurisdiction of the justice's court. Municipal judges are chosen by the electors of cities where municipal courts are established. A general act providing for municipal courts in villages of over three thousand inhabitants gives these courts jurisdiction in civil actions where the amount does not exceed five hundred dollars; also, in all cases where a justice's court has jurisdiction, and over certain criminal actions. Their jurisdiction is coextensive with the limits of the county wherein they are located.

236. Grand Jury.—A grand jury is a body of men, not less than sixteen nor more than twenty-three in number, brought before a court of competent jurisdiction and sworn to inquire of public offenses committed or triable in the county.

237. Petit Jury.—A petit jury is a body of twelve men impaneled and sworn in the district court to try any question of fact in any civil or criminal action according to law and evidence as given in court.

¹ Courts are said to have appellate jurisdiction when decisions rendered in inferior courts are transferred to them for review.

² A court of record has a clerk and a seal. It receives its name from the fact that its proceedings are preserved in accurate records. Courts not of record are inferior tribunals, without clerk or seal.

238. Selection of Jurors.—At their annual meeting in January the county commissioners select from the voters of the several election districts of their respective counties seventy-two¹ persons qualified to serve as grand jurors, and the same number to serve as petit jurors. Certified lists of such jurors are deposited with the clerk of the district court. From one of these lists, the clerk, in presence of witnesses, draws by lot the names of twenty-three persons to serve as grand jurors; and from the other, the names of not less than twenty-four nor more than thirty-six persons to serve as petit jurors. Persons thus selected are summoned to appear before the court on the first day of the session.

239. Duties of the Grand Jury.—The grand jury inquires into all public offenses committed in the county; and if, from the evidence, it appears that any person charged with a public offense is guilty, the jury presents to the court an accusation in writing charging the person with such offense. Such accusation made to the court is called an indictment. If the jury only believes that the person is probably guilty of such offense, it states to the court in writing that there is reasonable ground for believing that the person is guilty. Such statement is called a presentment. The person indicted is arrested and brought before the court for trial. A person arrested on presentment is first examined before a justice of the peace or other magistrate.

¹ In counties having over 10,000 inhabitants, a larger number of jurors is drawn. In counties having few inhabitants less than seventy-two jurors are drawn.

CHAPTER XXV

THE ELECTIVE FRANCHISE

Article VII. of the constitution relates to the elective franchise.¹ Its chief provisions are as follows:

240. Who May Vote.—Every male person of the age of twenty-one years or upwards belonging to either of the following classes who has resided in this state six months next preceding any election shall be entitled to vote at such election in the election district of which he shall at the time have been for thirty days a resident, for all officers that now are, or hereafter may be, elective by the people.

1. Citizens of the United States who have been such for the period of three months next preceding any election.

2. Persons of mixed white and Indian blood, who have adopted the customs and habits of civilization.

An alien who comes to the United States after he reaches the age of eighteen may appear before any court of record or the clerk of said court, and make oath that it is his intention to become a citizen of the United States, and to renounce forever all allegiance to any foreign prince, potentate, state, or sovereignty whatever, and particularly, the sovereignty of the ruler of the country to which he has hitherto owed allegiance. A record is made of this declaration in the office of the clerk of court, and a certified copy of it is given to the person "declaring his intention." He has then taken out his "first papers." Two years after declaring his intention as above,

¹A franchise is a privilege. The elective franchise is the privilege of voting.

having resided in the United States five years and in Minnesota one year, the person may take out his "second papers," and become a full citizen by appearing in open court and upon oath renouncing all allegiance to foreign powers, and swearing to support the constitution of the United States. To vote in Minnesota one must be a full citizen.

3. Persons of Indian blood residing in the state, who have adopted the language, customs, and habits of civilization, after an examination before any district court of the state, in such manner as may be provided by law, and shall have been pronounced by said court capable of enjoying the rights of citizenship within the state.

241. Non-Eligible.—Persons not belonging to any of the above classes, and persons convicted of felony or treason, or under guardianship, or not of sound mind, are not permitted to vote.

242. Restrictions.—Soldiers, seamen, or marines belonging to the army of the United States are not deemed residents, though stationed within the state.

243. Loss of Residence.—Residence is not lost by reason of absence in the service of the United States, nor while a student in any institution of learning, nor while in an almshouse, or asylum, or confined in prison.

244. Elections by Ballot.—All elections are by ballot, except for such town officers as the law may direct to be otherwise chosen.

245. Right to Hold Office.—Every person entitled to vote at any election is eligible to any elective office, provided he has resided in the election district thirty days previous to the election, and is not debarred by the constitution of the state, or by the constitution of the United States.

246. Women May Vote.—Any woman of the age of twenty-one years or upwards, having a lawful residence, may vote on any measure relating to schools, or for any school officer; and any such woman is eligible to any office relating solely to the management of schools.

CHAPTER XXVI

GENERAL ELECTIONS

247. "An Act to Regulate Elections,"¹ is the title of the election law now in force. The act applies to all general and special elections in the state of Minnesota, except township and village elections, and is known as the General Election Law of the state. The following is a brief outline of its most important provisions:

248. Time of Holding General Elections.—The general election is held in the several election districts of the state on the first Tuesday after the first Monday in November of every even numbered year.

249. Officers Chosen.—State and county officers, judges of the supreme and district courts, members of the legislature, representatives in congress, and presidential electors² are chosen at the general election.

250. Term of Office.—The regular term of office of all state and county officers commences on the first Monday in January following their election, unless otherwise provided by law.

251. Election Districts.—Every organized township, every incorporated village, and every ward of an

¹ This act is a modified form of the "Australian Ballot System."

² The state is divided into seven congressional districts, from each of which a representative is chosen. It is entitled to nine electors—a number equal to the number of senators and representatives it has in congress. See paragraphs 351-352. Part III.

incorporated city is an election district; but no election district in any incorporated city or village shall,



when first formed, contain more than four hundred male electors; and if at any time the district is found to contain more than that number, it must be divided.

252. Judges and Clerks of Election.—The town supervisors are judges of election in districts where they reside, but if all are of the same political party, no more than two of them can serve. In case of a vacancy, the board of supervisors fills it by appointment. The town clerk is clerk of election.

The members of any village council in villages having but one election district, and not included in a town election district, are judges of election.

The city council, or the municipal council in villages, appoints three qualified electors in each election district to act as judges, and these judges appoint two qualified electors in their district to act as clerks of election. The judges must be able to read, write, and speak English. They are chosen from lists furnished by local committees of the several political parties, and no more than two judges and one clerk can belong to the same party.

253. Order on Election Day.—For the preservation of order on election day, the following provisions are made:

1. The introduction of spirituous liquors in any place where an election is being held, or the drinking of such liquors in such place by any judge or clerk of election, constable or challenger, is made a misdemeanor.

2. All saloons, stores, or bar-rooms where liquor is sold or given away must be closed on election day.

3. No election can be held in a saloon or place of resort for idlers, or in any room adjoining the same.

4. Constables and sheriffs must not allow persons to crowd the polling places, and must arrest those who are disorderly.

5. Neither voters nor others are allowed to congregate within one hundred feet of the polling room.

254. Registration of Voters.—At specified times before the day of election the judges in each election district throughout the state meet at the place appointed for holding the election for the purpose of entering upon the list, in alphabetical order, the names of all persons entitled to vote in that district. The list thus prepared is posted for public inspection, and is corrected at a subsequent meeting of the judges. Any person who causes his name to be registered in more than one election district, or in any district, knowing that he is not a qualified voter therein, or who aids or abets such acts, on conviction, is punished by imprisonment in the penitentiary.

255. Provisions for a Full Vote.—1. Notices of elections are posted so that all may know when they take place.

2. The forenoon of the day on which the general election takes place is made a compulsory half-holiday, in order that all employes may vote.

3. No civil process can be served on any elector during the day of an election at which he is entitled to vote.

4. Persons physically unable to vote are assisted in depositing their ballots.

256. Instructions to Voters.—Printed cards containing information that will enable voters quickly and correctly to designate their choice, and copies of

proposed amendments to the constitution to be submitted to the electors, with necessary instruction, are to be furnished by the secretary of state, and posted in every booth at every polling place.

257. Ballots.—One ballot on plain white paper contains the names of all candidates for state offices; another, on pale-tinted red paper, the names of all candidates to be voted for in any city or municipality; and a third, on light blue paper, has the names of all candidates for county offices. All ballots are printed with black ink on paper thick enough to prevent the printing from showing through, and ballots of the same color are uniform in thickness, size, style, and type.¹

All ballots on white paper are printed under the direction of the secretary of state; red ballots, under the direction of the city clerk or recorder; blue ballots, under the direction of the county auditor of each county. The white ballots are forwarded to county auditors, who distribute both white and blue to town, village, and city clerks. The red ballots are distributed by city clerks to judges of election in the several wards. Before the voting begins two judges of election, of opposite political parties, place their initials on the backs of all ballots to be used by electors.

258. Ballot-Boxes.—One ballot-box is painted white, one red, and one blue, and each receives the ballots of corresponding color. A separate box is provided for women at all places where they are entitled to vote.

¹This provision enables the elector to cast an absolutely secret ballot.

259. Booths.—Not less than two booths, or small compartments, furnished with conveniences for writing and cards for instruction, are provided for each hundred electors registered.

260. Regulations for Voting.—1. No person is allowed in the room containing the ballot-boxes, except members of the board, officers of the peace, one representative of each of the political parties represented on the ballots, and, in case the booths are in the same room, electors who are about to vote, and an elector who may be called to assist a voter who cannot read English or is physically disabled, in marking his ballots.

2. No official ballots are distributed to electors about to vote except in the voting room; and if any person removes any of the ballots from the polling room before the closing of the polls, he is guilty of a misdemeanor, and may be punished by fine or imprisonment.

3. No voter within the polling place is allowed to divulge the name of any candidate for whom he intends to vote or has voted; and it is unlawful for a judge or any person in the polling room to persuade an elector to vote for any candidate or party.

4. The judges of election and the ballot-boxes are to be in public view at all times, and the number of electors about to vote who shall be admitted at one time must in no case exceed the number of booths by more than three.

5. On the entrance of an elector, the judge having charge of the ballots hands him one ballot of each kind to be voted, and the elector retires alone to a booth to prepare his ballots, which he does by making

a cross at the right of the name of each candidate for whom he wishes to vote.

6. When an elector has prepared his ballots, he so folds them, each by itself, as to expose only the signature of the judges on the back. He then hands them to the judge having charge of the ballot-boxes, who, without opening the ballots, deposits them in the proper boxes, indicated by the color, and announces the name and residence of the elector. The judges having charge of the registers write the word "Voted," or the letter "V," in the same line with the voter's name, and the voter retires at once.

7. Each clerk of election prepares a poll-list with columns headed "Names of Voters," "Residence," "White," "Blue," "Red," "Remarks," in which he enters the name and residence of each voter, and writes the figure "1" in the columns indicating the boxes in which his ballots were deposited.

8. As soon as the polls are closed, the judges of election prepare, at the end of each poll-list, a statement showing the number of persons present and voting, the number of women, and the number of white, red, and blue ballots cast.

261. Canvass of Votes.—Having prepared and signed the statements in the poll-list and registers, the judges proceed to canvass the votes. The canvass is to be public and without intermission. The order of procedure is as follows:

1. Each box, beginning with the white, is opened in turn and the ballots counted to ascertain whether the number of ballots is the same as the number on the poll-list.

2. The ballots agreeing, the judges proceed to ascertain the number of votes cast for each candidate, the clerks of election keeping account of each of said votes in tally-sheets provided for the purpose. To facilitate the counting of ballots in cities having more than twelve thousand inhabitants, an additional judge of election, called a ballot judge, and two additional clerks are appointed.

262. Sealing and Depositing Boxes.—When the canvass is completed, the ballots are carefully counted and deposited in the several ballot-boxes, according to color, and each box is then sealed. The boxes are deposited with the town, village, or city clerk, where they remain with seals unbroken until the next general election, unless opened by the proper authority for a recount or for examination.

263. Filing of Poll-Lists and Registers.—After the canvass has been completed, one of the poll-lists and one of the registers are filled in the office of the town, village, or city clerk, and the other lists and registers are returned to the county auditor.

264. County Canvassing Board.—The auditor, chairman of the board of county commissioners, and two justices of the peace of the same county, of opposite political parties if possible, constitute the county canvassing board. On or before the tenth day after the election, the board openly and publicly canvasses the returns made to the auditor's office, and makes a sworn statement :

1. Of the whole number of votes cast for each candidate on the state ticket.

2. Of the whole number for each county officer and member of the legislature.

3. Of the whole number for presidential electors, for representative in congress, and for constitutional amendments, if any.

265. Declaring the Election.—At the close of the canvass, the board declares the persons having the highest number of votes for any county office duly elected; and the county auditor makes out and delivers a certificate of election to every such person.

266. State Canvassing Board.—Certified copies of the above statements are forwarded to the secretary of state, who calls to his assistance two or more judges of the supreme court and two disinterested judges of the district courts, who constitute a board of canvassers. The board thus formed meets on the third Tuesday of December after each general election, and, upon the certified statement of the several county canvassing boards, proceeds to make a statement of the number of votes cast for the various state officers, for representatives in congress and for presidential electors. The person having the highest vote for any office is declared elected.

267. Nomination of Candidates.—Candidates may be nominated by any convention of delegates representing a political party which, at the last general election, polled at least one per cent of the entire vote cast in the state or county, or other division for which the nomination is made; or they may be nominated by petition of a certain number or per cent of electors, the per cent varying with the different officers. Certificates of nomination made by

convention or by petition, must be properly signed and attested. Names of nominees to be placed on the white ballots are mailed to the secretary of state, with fifty dollars for each name tendered; names for the blue ballot are handed to the county auditor, with ten dollars for each candidate, and names for the red ballot are filed with the city clerk or other proper officer, with five dollars for each name, or two dollars in cities of three thousand inhabitants or less.

268. Misdemeanors and Penalties.— The person offering duplicate ballots, voting unlawfully, or voting more than once is guilty of felony, and upon conviction therefor is punished by imprisonment in the state prison. For attempting to influence an elector by threat or bribery; for aiding an unqualified person to vote, or for bringing unqualified electors into a district to vote, one is guilty of a misdemeanor, and is subject to heavy penalties.

269. Corrupt Practices Act.— So important is the purity of elections, and so vitally related to the success of a government by the people, that the legislature of 1895 passed a corrupt practices act. This act seeks to prevent bribery and other corrupt practices in elections, to limit the expenses of candidates and prescribe their duties, and duties of political committees, and to provide penalties for the violation of its provisions.

270. Primary Elections.— An act of 1895 provides for the holding of elections by any political party, to elect delegates to political conventions. These primary elections are conducted like other elections. Delegates are chosen by ballot, and none but electors identified with the party have a right to vote.

CHAPTER XXVII

TAXATION AND REVENUE

271. Need of Revenue.—The government cannot be carried on without revenue. Town, city, county, and state officers are chosen, and they must be paid for their services. Public buildings must be erected, charitable institutions must be supported, public schools must be maintained, roads must be constructed, and large sums must be expended in other ways.

272. Sources of Revenue.—Government is established for the benefit and protection of the people, and the property of the people is taxed for its support. Each person receives the benefits of government, and is taxed according to the value of his property. In addition to the property tax levied by the state, some of its chief sources of revenue are: Railroad taxes, insurance taxes, prison earnings, interest on school land contracts, and grain inspection fees. The amount received on licenses for the sale of spirituous liquors, on places of amusement, etc., goes towards the support of local government.

273. Property Subject to Taxation.—All real and personal property, all moneys, credits, and investments in bonds or stocks are subject to taxation.

274. Exemptions.—The following property is exempt from taxation: All public school buildings, with books and furniture therein, and the grounds attached;

houses used for public worship, and the lots on which they are erected; public burying grounds; property belonging to the state or to the United States; county buildings with the grounds on which they are erected; public hospitals and other institutions of public charity; fire engines, implements and buildings; public markets, public squares, and public libraries; and personal property to the value of one hundred dollars.

275. Assessments.—Before a tax levy can be made, the amount and value of taxable property must be known; hence, an assessor is chosen in each town, incorporated village, and city, whose duty it is to list and determine the value of all property. Personal property is assessed every year; real estate, every even-numbered year.

276. Boards of Review.—Taxes must be uniform throughout the state, and to this end all property to be taxed must have a uniform cash valuation. To secure uniform valuation, and uniform taxation, boards of review have been created to equalize the assessments. The town board of supervisors is the board of review for the towns; the president, recorder, and assessor constitute the board for villages; the mayor, clerk, and assessor, for cities; the commissioners and auditor, for the counties; the governor, state auditor, attorney-general, and one member for each judicial district, for the state.

277. Rate of Taxation.—Knowing the total value of all the property, and the amount to be raised for state, county, town, municipal, and school purposes, the authorities determine the rate per cent. The rate for the state is determined by the state auditor;

for the county, by the commissioners. Towns, municipalities, and school districts notify the county auditor of the amount to be raised, and that officer determines the rate for them. The rate varies, but is limited to a certain number of mills on the dollar for certain specified purposes.

278. Collecting Taxes.—Taxes are collected by the county treasurer. Personal taxes become delinquent on the first of March; real estate taxes, on the first of June. On these dates a penalty of 10 per cent is added with cost of collection. If the taxes remain unpaid after a certain date, the property is sold. Real estate may be redeemed at any time within three years after the date of sale. If not redeemed the purchaser receives a deed for the property.

CHAPTER XXVIII

EDUCATION

279. Uniform System of Public Schools.—Section 1, Article VIII. of the state constitution reads as follows:

“The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the legislature to establish a general and uniform system of public schools.”

Section 3 of the same article reads:

“The legislature shall make such provisions, by taxation or otherwise, as, with the income arising from the school fund, will secure a thorough and efficient system of public schools in each township in the state.”

280. The District System.—As before stated,¹ the educational work of the state, save in the normal schools and university, is carried forward under the district system. Every common school district, every independent school district, and every special school district, is a body corporate, with power to contract or to be contracted with, to sue or to be sued.

281. Common School Districts. — Common school districts are organized, altered, or united by the board of county commissioners, upon petition of a majority of freeholders who are legal voters residing in the districts to be affected. As the districts are formed to suit the convenience of the inhabitants, there is no uniformity in the extent of territory

¹ See paragraph 89.

included in them. For the most part, the schools are in the country, and are ungraded.

282. Powers of District Meetings—Officers.—The legal voters of any district lawfully assembled may elect a board of trustees; designate a site for a school house; vote to build a new school house, or to issue bonds; and may indicate the amount of money to be raised by tax, under restrictions imposed by law. The officers of each common school district are a director, a treasurer, and a clerk, who constitute a board of trustees, having charge of the school and other affairs of the district.

283. Independent Districts.—Any town, village, or city, having not less than 500 inhabitants, may, by vote of resident electors, organize as an independent district. The school board of an independent district consists of six members, chosen by the people. It has the power to erect school houses, and purchase sites, when authorized by vote of the district; to establish such grades of schools as it deems expedient; to employ teachers; to make rules and regulations for the government of the schools; to vote taxes for necessary expenses or for paying debts; to elect a superintendent to manage the schools; to appoint three examiners for the inspection of teachers, or to request the county superintendent to act as examiner for the district; and to perform other duties required by law.

284. Special Districts.—As we have learned, special districts were organized under special acts of the legislature. The schools are controlled by a board chosen by popular vote, and are graded; but there is

some diversity in the details of management, and in powers conferred by the different acts.

285. State High Schools.—The act for the encouragement of higher education¹ makes provision for state high schools. Any public graded school of the state which gives preparatory instruction, according to certain specified conditions, may receive \$400 direct from the state. As a pre-requisite to receiving such aid, schools must have regular and orderly courses of study embracing all the branches prescribed for admission to the collegiate department of the University of Minnesota, and they are to be open to the inspection of the state high school board, as provided in the act. The high schools are free to all the youth of the state and are preparatory to the normal schools and the university.

286. High School Board.—The governor, superintendent of public instruction, and the president of the university constitute the high school board. This board has power to establish rules relating to examinations, reports, acceptance of schools, courses of study, etc., and it also acts upon applications of schools for state aid, and prescribes the conditions upon which aid shall be granted.

287. Inspector of State High Schools.—The inspector of state high schools is appointed by the high school board. He has general supervision of all that pertains to the growth and efficiency of these schools, and to the plans of administration, inspection, and the reports of the schools to the state high school board. He visits each school for the purpose of

¹ See paragraph 90.

knowing its condition, and of making suggestions to the teachers and board of education of any matters of instruction, organization, or equipment that will be for the improvement of the school, and makes an annual report to the board.

288. State Inspector of Graded Schools.—This officer visits and inspects the graded schools of the state, not including the high schools, and makes an annual report to the high school board.

The legislature of 1895 authorized the high school board, in its discretion, to extend state aid to the amount of \$200 to graded schools below the rank of high schools. Many schools have done approved work and are receiving such aid.

289. State Normal Schools.—The normal schools have for their purpose the education and training of teachers for the public schools of the state.¹ Tuition is free. Three courses of study are maintained:

(a) An elementary course designed to fit teachers for work in common and lower schools.

(b) An advanced course giving the preparation needed by teachers of higher grades.

(c) A professional course for students who have already completed the academic work of the above named courses, in the school or elsewhere.

290. Board of Normal School Directors.—The normal schools are managed by a board of nine directors appointed by the governor. The superintendent of public instruction is secretary of the board. The

¹ In 1895 an act was passed providing for elementary normal instruction in state high schools and appropriating money for the same. The sum of \$500 is given annually to schools doing this work to the satisfaction of the high school board. So far, few schools have undertaken the required instruction.

board has control of the schools, and of all property pertaining to them, appoints teachers and fixes salaries, prescribes courses of study, confers diplomas upon pupils completing the course, makes rules and regulations for the highest efficiency of the schools, and organizes model schools for the illustration of the best methods of teaching and governing. Each normal school has a president, who is elected by the board to take charge of the school. He makes an annual report to the state superintendent, setting forth the statistics of the several departments, and offering such suggestions as may seem conducive to the welfare of the school.¹

291. The University.—The University of Minnesota was established by our state constitution and endowed by the general government. It is a part of the state system of public instruction and is open to pupils of both sexes. Tuition is free, except in the professional departments. It comprises the following named colleges and departments: The graduate department; the college of science, literature, and the arts; the college of engineering, metallurgy, and the mechanic arts; the college of agriculture; the college of law; and the department of medicine.

292. Board of Regents.—The government of the

¹ The department of pedagogy, University of Minnesota, provides a course for those who wish to make a systematic study of education to prepare for teaching and supervision in the higher departments of education. The course is open to juniors and seniors pursuing regular courses in colleges of science, literature and the arts; to graduates from the advanced course of state normal schools who have had one year's experience in teaching; and to all graduates of first and second-class high schools who have had two years' experience in teaching.

university is vested in a board of twelve¹ regents, nine of whom are appointed by the governor. The governor, president of the university, and the state superintendent of public instruction are ex-officio members of the board. The president of the university has the same rights as other members of the board, except the right of voting, and is corresponding secretary of the board. The board of regents is an incorporated body. It enacts by-laws for the government of the university, elects the president, professors, and employees and fixes their salaries, regulates the course of instruction, prescribes books, confers degrees, grants diplomas, has control of the experimental farm, of the school of agriculture, of the factory dairy school, and of the agricultural experiment station.² It makes an annual report to the governor.

293. Farmers' Institutes.—The work of the farmers' institute, begun in 1887, is closely related .

¹ Including John S. Pillsbury, who holds his position at pleasure, as an honorary member, the board has thirteen members.

² The agricultural experiment station is a department of the College of Agriculture. Experiments in agriculture, in stock-feeding and breeding, in horticulture, in entomology, in chemistry, and in animal and human physiology and hygiene, are carried forward by the officers of the station; and bulletins setting forth the results are issued and circulated, giving valuable information to grain-growers, stock-raisers, dairymen, fruit-growers, and others. The college of agriculture prepares students for scientific and economical farming, and also fits them to enter the agricultural course in the university. In connection with the college of agriculture is the factory dairy school, which gives one or two courses of a month each, in winter, to persons who wish education and practice in the manufacture of butter and cheese, or in other dairy lines. The summer school for women offers instruction in cooking, dairying, sewing, chemistry, entomology, horticulture and hygiene.

to the work of the college of agriculture. From forty to fifty of these institutes are now held every year, in as many localities, with an average attendance of about four hundred. More than 20,000 farmers have been in attendance in a single year. The aim of the institute is to scatter broadcast the latest and best information in relation to agriculture in all its phases; to bring the experience of the most successful grain-growers, stock-raisers, dairymen, and fruit-growers within the reach of all.

294. School Lands.—In paragraph 99 we speak of the support of our public schools, showing how the school fund was created and is maintained. The school lands have been guarded with jealous care. The law gives the state auditor power to lease or sell them as directed by statute. The minimum price is fixed at \$5 per acre; but provision is made for appraisement and reappraisement in case of a rise in value. Notices of sales are to be published; sales are to be public to the highest bidder, and are to take place in the county where the lands are situated. Timber on pine lands must be sold when liable to waste.

295. Investment of Proceeds.—The proceeds arising from the sales of school lands are invested in approved bonds, or loaned to counties and school districts, to be used in the erection of county or school buildings.

296. Perpetual Fund.—The constitution provides:

"That the principal of all funds arising from the sale or other disposition of lands shall forever be preserved inviolate and undiminished, and the income arising from the lease or sale shall be distributed to the different townships throughout the state, in proportion to the number of scholars."

297. Restriction.—“ But in no case shall the moneys derived as aforesaid, or any portion thereof, or any public moneys or property, be appropriated or used for the support of schools wherein the distinctive doctrines, creeds, or tenets of any particular Christian or other religious sect are promulgated or taught.”

298. Sources of Revenue.— The common schools are supported : [See paragraph 99.]

- (1) By the interest on the permanent school fund.
- (2) By the state school tax fund.
- (3) By the local mill tax.
- (4) By voluntary taxation—special tax.
- (5) By fines, licenses, etc.

299. Apportionment of Current School Funds.
— On the first Monday in March and the first Monday in October, of each year, the superintendent of public instruction apportions all the available revenue, or current funds, arising from the above named sources, among the several counties of the state, in proportion to the number of scholars between the ages of five and twenty-one years who have been in attendance forty days in public schools that have had at least five months of school within the year, by a qualified teacher, and have reported as required by law.

300. Current University Fund.—Paragraph 100 shows that the current university fund is derived:

- (1) From the interest on the permanent fund.
- (2) From the three-twentieth mill tax.
- (3) From congressional grants.
- (4) From sale of salt spring lands.
- (5) From sale of farm produce.
- (6) From students' fees.

301. County Supervision.—The school work of the county is under the direction of a county superintendent, who is elected biennially for a term of two years. The superintendent examines and licenses teachers, visits the schools of his county, holds institutes and summer schools, encourages associations of teachers, calls attention to the best modes of teaching, to the most approved plans of building and ventilating school houses, stimulates officers to the discharge of their duties, makes an annual report to the state superintendent, and does all in his power to promote the educational interests of the county. His compensation must be at least ten dollars for each organized district in the county, and the county commissioners may fix it above that rate.

302. Department of Public Instruction.—The state superintendent is at the head of this department. He is appointed by the governor with the consent of the senate. His term of office is two years; his salary \$2,500, with an allowance for clerical assistance. He is required to appoint an assistant superintendent, who performs the duties assigned him by his chief. The principal duties of the superintendent are:

1. To confer with county superintendents on matters relating to the schools, and co-operate with them in efforts to promote the interests of education in their several counties.

2. To organize and conduct annually, with the aid of others, teachers' institutes and summer schools throughout the state.

3. To apportion the public school funds semi-annually.

4. To classify and preserve the educational statistics of the state.

5. To prepare and distribute registers and blanks for the use of schools and school officers.

6. To make to the legislature a report of the condition of public schools and of other institutions of learning.

303. Certification of Teachers.—Teachers' certificates are issued by the county superintendent, by the state superintendent, by boards of examiners or superintendents of special districts and of independent districts, and by the university to graduates of the department of pedagogy. Normal school diplomas are valid as certificates in the public schools of the state.

304. Free Text-Books.—The text-book law now in force authorizes the board of trustees or the board of education of each and every school district in the state to select, adopt or contract for the text-books needed for the use of the school or schools under its charge; and the board of trustees or the board of education is given the power to purchase the books selected or contracted for, and to provide for the loan, free of charge, or sale at cost, of such books to pupils.

Contracts with publishers are to be for a period of not less than three years nor more than five. Before entering into a contract for the sale of text-books, publishers must file with the superintendent of public instruction a list of books, and a sample copy of every book on the list, together with the prices for which such books will be sold to any board of trustees. The books sold must equal in binding, mechanical execution, and subject matter, the samples deposited with

the state superintendent; and in no case shall prices be raised above the listed prices as filed. The state superintendent is required to furnish a certified copy of the list of books and prices filed to the district clerk of each common school district in the state. The free text-book system may be adopted by the legal voters of any common school district at the annual meeting or at a special meeting called for the purpose.

305. Public School Libraries.—The legislature of 1887 made an annual appropriation of \$10,000, or so much thereof as might be necessary, for the purchase of school libraries, to include books of reference, history, biography, literature, political economy, agriculture, travel, and natural science. To receive aid from the library fund, a district must make provision for the care of books, and must raise a certain sum of money. State aid is limited to \$20 for the first year, and \$10 for each succeeding year when proper statements are made. Districts having more than one school building are estimated as one district for each building and are entitled to aid accordingly.

306. Webster's Dictionaries.—The state superintendent is authorized to furnish to any school district, or to any school or district department, in any city, village or town, one copy of Webster's International Dictionary on the receipt of an affidavit of the district clerk, the school superintendent, or secretary of the board of education, that his school has not been supplied, and on payment in advance of the cost price to the said superintendent. State educational institutions, state officers, and members of the legislature may purchase the dictionary on the same terms.

CHAPTER XXIX

CORRECTIONAL AND CHARITABLE INSTITUTIONS

307. Board of Corrections and Charities.— This important board consists of six members, who serve without compensation, their traveling expenses only being paid by the state. To prevent corruption, the law provides that not more than three of the board shall belong to the same political party. Its duties and powers are as follows :

1. To carefully examine the system of public charities maintained by the state, and especially to examine into the condition and management of hospitals, asylums, poor-houses, and jails.

2. To prescribe such forms of report and registration as seem necessary to secure accuracy, uniformity, and completeness in the statistics of such institutions.

3. To criticise all plans of new jails, lock-ups, and poor-houses, and make suggestions for their improvement before their adoption by county or municipal authorities.

4. To investigate the management of any penal, reformatory, or charitable institution of the state, when requested by the governor.

5. To co-operate with the boards and officers of charitable and correctional institutions in order to promote the welfare of such institutions.

6. To report biennially to the legislature.

308. Insane Asylums.—In its three asylums,¹ the state has made such provisions for the care, comfort, and medical treatment of the insane as the wisest philanthropy can suggest. The first asylum was located at St. Peter, in 1866, and soon temporary quarters were provided for patients. The permanent building was occupied in 1876. The second asylum, located at Rochester, was opened in 1879, and the third, at Fergus Falls, in 1890.

309. Institute for Defectives.—The Deaf, Dumb and Blind Institute, established in Faribault in 1858, was reorganized in 1887, and its name changed to the Minnesota Institute for Defectives, to consist of the school for the deaf, the school for the blind, and the school for the feeble-minded.

A department for the deaf was opened in 1863, with three pupils. It has grown to be a large school, and has prepared hundreds of deaf youth for citizenship. "Its graduates take their places beside the hearing and speaking youth, who go out from the public schools. Tailoring, shoemaking, printing, carpentry, and cabinet-making are taught the boys. The girls learn dressmaking and plain sewing." The work for the blind began in 1866, with three pupils. The school is equipped with modern appliances. It makes a specialty of musical instruction and manual training, such as broom-making, hammock-weaving, bead-work, and sewing. "The course of instruction begins with kindergarten, and closes with the English studies in the high school." The school for the feeble-minded

¹Provision has been made for a fourth asylum, to be located at Anoka.

opened in 1879. It is a school, a home, and a hospital, and, therefore, has three departments. Some of the pupils are idiots, requiring life care; others are improved by training, and become self-supporting. A colony of boys has been placed on a farm, where dairying and gardening are learned.

310. The School for Dependent and Neglected Children, located at Owatonna, was opened in December, 1886. It is operated on the cottage plan, the children being divided into families of twenty-five or thirty members, each family occupying a separate cottage. The cottages are homes, in charge of intelligent women, who act as mothers. Each family has its own table, but all attend school in a central building. Every child is taught to work.

311. The Minnesota Soldiers' Home.—(See paragraph 79.)

312. The State Reform School, now called the Minnesota State Training School for Boys and Girls,¹ opened in St. Paul in 1868, was, a few years ago, removed to a site near Red Wing. It is a correctional school for youthful offenders of both sexes. Facilities are offered for acquiring a common school education, and for learning trades.

313. The State Reformatory, located near St. Cloud, was established in 1887. It is a correctional institution for those who are not yet hardened in crime. Sentences are without limit, and the managers are expected to maintain such control over prisoners as shall secure self-support and accomplish their reformation. Inmates are encouraged to learn

¹ See Session Laws, 1905, pp. 326-331.

trades suited to their physical abilities and to their inclinations. Night schools are held four evenings in the week.

314. The State Prison.—The state prison was organized in 1851, and is next to the oldest institution in the state. Under the state account system of labor, the manufacture of twine has been successfully carried on for some years past, and under the contract¹ system the boot and shoe industry has furnished healthy employment to many. In 1896 the manufacture of school apparatus was undertaken. For each month of good conduct, five days are deducted from the prisoner's term of service. After one year, seven days are allowed for each month; after two years, nine days; after three years, ten days, monthly. Besides this, each prisoner receives an average of ten cents for each day of good conduct. The prisoners are divided into three grades, the first and second grades receiving special privileges. By continued good conduct the prisoner shortens his period of servitude, but the state does not relinquish control until his full term is at an end. He is paroled, assisted in securing employment, and watched, to see that he does not violate his parole, or pledge of good conduct. An evening school is taught during the autumn and winter, and a Chautauqua circle is maintained. The Prison Mirror, a weekly paper, is edited and published by the inmates; and a selected library of 2,000 volumes is well patronized. The treatment of prisoners is less rigid than in some state prisons, but serious breaches of discipline are infrequent.

¹ The legislature of 1895 abolished the contract system.

315. Boards of Control.—All of the above institutions are controlled by boards for the most part appointed by the governor. The insane asylums are managed by a board of five trustees; the institute for defectives, by a board of seven directors, including the governor and state superintendent; the school for neglected and dependent children, by a board of control having three members; the soldiers' home, by seven trustees; the Minnesota state training school for boys and girls, by a board of seven members; the reformatory and state prison, each by a board of five members.

316. A Board of Pardons.—An amendment to the constitution, approved by the people at the general election, November, 1896, creates a board of pardons, of which the governor is ex-officio a member. The other members are the attorney general and the chief justice. The board has power to grant reprieves and pardons for offences against the state.

CHAPTER XXX

STATE SOCIETIES AND OTHER ORGANIZATIONS

317. **State Historical Society.**—The Minnesota Historical Society was organized under an act passed by the first territorial legislature, and is the oldest institution in the state. It publishes matter relating to the history of the state; preserves memorials of its people, and accounts of Indian tribes; and collects reference books of useful knowledge, together with works of art, historical curiosities, records, etc. The society has published seven volumes of historical collections; has a library of 55,000 volumes, many of them rare; a file of all the papers that have been or are published in the state, with a few unimportant exceptions; and a museum of historical curiosities. Its rooms are in the Capitol, and are open to the public.

318. **The State Agricultural Society** has existed from territorial days, but dates its corporate existence from 1868. Its object is the promotion of agriculture, horticulture, and the mechanic arts. It receives an annual appropriation from the state. Its annual fairs were formerly held in different localities, but it now has permanent buildings for which the state appropriated \$100,000, and occupies a magnificent site of 200 acres, donated by St. Paul.

319. **The State Horticultural Society** has for its object the accumulation and distribution of horticultural knowledge relating to forestry, fruit and vege-

table growing, the culture of flowers, etc. It holds summer and winter meetings, at which fruits, vegetables, and flowers are exhibited, papers are read, and discussions had.

320. The Society for the Prevention of Cruelty to Animals has many branches and is doing noble work. Its officers have the power of constables, and they arrest persons for extreme cruelty to dumb creatures; but the distribution of humane literature is the most important work of the society.

321. The State Forestry Association seeks to promote tree planting and culture under the bounty act of 1873, and through its instrumentality not less than 50,000 acres of forest trees have been successfully planted on the open prairies. Of late, it has given much attention to the preservation of our native forests.

322. Labor Organizations.—During the ten years following the Civil War, the farmers organized numerous “Granges”, or clubs for mutual improvement, and for protection against middlemen, especially in the purchase of farm implements and household supplies. On the decline of this movement, there sprung up the Farmers’ Alliance, a more powerful organization, with similar purposes. Organizations for the improvement and the protection of the producing classes against the exactions of capital and for the discussion of social, political, and moral questions, are numerous and active throughout the state, and if “the agitation of thought is the beginning of wisdom,” the day of human brotherhood and peace should be near.

STIMULATING QUESTIONS.

[For discussion in class, from time to time, as the teacher may direct.]

1. In what respects is government by laws better than government by the arbitrary will of a ruler? Name countries where the will of the ruler is law.

2. Why would government be needed if all men were honest?

3. Why can a local community manage its own affairs better than they can be managed by the state?

4. What is the meaning of the word "politics"?

5. If there is corruption in politics whose fault is it?

6. Why should all good citizens take an active interest in politics?

7. Should a person be chosen to fill a certain office because he is qualified, or because he desires the place?

8. Is the right to vote a *natural* right, or is it a *privilege* conferred by authority?

9. Why should women vote?

10. Why should the ballot be secret?

11. Should the ballot be given to persons who cannot read or write?

12. Why is so much importance attached to the purity of elections?

13. Why should the state support a system of schools?

14. Why should people without children be compelled to pay taxes for the education of other people's children?

15. Why should teachers be educated at the expense of the state?

16. Why should the state support schools and asylums for the unfortunate?

17. Why are party organizations necessary?

18. Should a voter stand by his party, right or wrong?

19. Should party nominations be made for local elections?

20. Why is the government divided into three departments?

21. Why should the governor have the right to veto bills passed by the legislature?

22. Does patriotism require one to stand by his country, right or wrong?

23. What does true patriotism require?

PART III.

The Government of the United States.

CHAPTER XXXI.

THE MAKING OF THE GOVERNMENT.

The American Government. Sections 66-222 inclusive.

The United States, both as forty-five individual States and as a Nation, are an outgrowth of the Thirteen English Colonies planted on the eastern shore of North America in the years 1607-1732. The process by which this change was effected, will be briefly described in this chapter.

323. The Colonial Governments.—The Kings of England gave to the companies, proprietors, and associations that planted the Colonies certain political powers and rights. These powers and rights were formally granted in documents called charters and patents; they were duly protected by regular governments, and so became the possession of the people of the Colonies. While differing in details, these governments were alike in their larger features. There was in every Colony (1) an Assembly or popular house of legislation; (2) a Council, which served as an upper house of legislation in most of the Colonies and as an

advisory body to the governor in all of them; (3) a Governor, and (4) Courts of Law. The members of the assembly were chosen by the qualified voters. The members of the council and the governors were elected by the people in Connecticut and Rhode Island, and were appointed by the proprietors in Maryland and Pennsylvania, and by the king in the other colonies. The judges were generally appointed by the king or his representatives. Powers of local government were distributed to local officers in every Colony.

324. The Home Government.—The Kings who granted the charters and patents, for themselves and their descendants, guaranteed to their subjects who should settle in the Colonies and their children, all liberties, franchises, and immunities of free denizens and native subjects within the realm of England. Previous to the troubles that led to the Revolution, the Home government commonly left the Colonies practically alone as free states to govern themselves in their own way. Still they were colonies. The charters enjoined them not to infringe the laws of England, and Parliament passed an act expressly declaring that all laws, by-laws, usages, and customs which should be enforced in any of them contrary to any law made, or to be made, in England relative to said Colonies, should be utterly void and of none effect. Moreover, the power to decide what was so contrary the Home government retained in its own hands.

325. Dual Government.—Thus from the very beginning the Colonies were subject to two political authorities; one their own Colonial governments, the other the Crown and Parliament of England. In other words, government was double, partly local and partly general. This fact should be particularly noted, for it is the hinge upon

which our present dual or federal system of government turns. The American, therefore, as has been said, has always had two loyalties and two patriotisms.

326. Division of Authority.—In general, the line that separated the two jurisdictions was pretty plainly marked. It had been traced originally in the charters and patents, and afterwards usage, precedent, and legislation served to render it the more distinct. The Colonial governments looked after purely Colonial matters; the Home government looked after those matters that affected the British Empire. The Colonies emphasized one side of the double system, the King and Parliament the other side. There were frequent disagreements and disputes; still the Colonists and the Mother Country managed to get on together with a good degree of harmony until Parliament, by introducing a change of policy, brought on a conflict that ended in separation.

327. Causes of Separation.—The right to impose and collect duties on imports passing the American custom houses, the Home government had from the first asserted and the Colonies conceded. But local internal taxation had always been left to the Colonial legislatures. Beginning soon after 1760, or about the close of the war with France, which had left the Mother Country burdened with a great debt, Parliament began to enforce such taxes upon the people directly. These taxes the Colonies resisted on the ground that they were imposed by a body in which they were not represented or their voice heard. Taxation without representation they declared to be tyranny. At the same time, the acts relative to American navigation were made more rigorous, and vigorous measures were taken to enforce them. In the meantime the Colonies had greatly increased in

numbers and in wealth, and the idea began to take root that such a people, inhabiting such a country, could not permanently remain dependent upon England but must become an independent power. The Stamp tax was one of the objectionable taxes.

328. Independence.—The Home government dropped or changed some of its obnoxious measures, but still adhered to its chosen policy. New and more obnoxious measures were adopted, as the Massachusetts Bay Bill and the Boston Port Bill. The Congresses of 1765 and 1774 protested, but to no real purpose. Some of the Colonies, like Massachusetts, began to take measures looking to their defense against aggression; and the attempt of General Gage, commanding the British army in Boston, to counteract these measures led to the battle of Lexington, April 19, 1775, and immediately brought on the Revolutionary war. All attempts at composing the differences failing, and the theater of war continuing to widen, the American Congress, on July 4, 1776, cut the ties that bound the Thirteen Colonies to England. After eight years of war the British government acknowledged American Independence.

329. The Political Effects of Independence.—The Declaration of Independence involved two facts of the greatest importance. One was the declaration that the Colonies were free and independent States, absolved from all allegiance to the British crown. The other was the formation of the American Union. The original members of the Union as States and the Union itself were due to the same causes. The language of the Declaration is, "We,the representatives of the United States of America, in general congress assembled, . . . do, in the name, and by the authority, of the good people of these Colonies, solemnly publish and declare" their independence.

The States took their separate position as a nation among the powers of the earth. Thus, before the Revolution there were Colonies united politically only by their common dependence upon England; since the Revolution there have been States united more or less closely in one federal state or union.

330. The Continental Congress.—The body that put forth the Declaration of Independence, known in history as the Continental Congress, had, in 1775, assumed control of the war in defense of American rights. It had adopted as a National army the forces that had gathered at Boston, had made Washington its commander-in-chief, and had done still other things that only governments claiming nationality can do. And so it continued to act. First the American people, and afterwards foreign governments, recognized the Congress as a National government. But it was a revolutionary government, resting upon popular consent or approval, and not upon a written constitution. A government of a more regular and permanent form was called for, and to meet this call Congress, in 1777, framed a written constitution to which was given the name, "Articles of Confederation and Perpetual Union." Still Congress had no authority to give this constitution effect, and could only send it to the States and ask them for their ratifications. Some delay ensued, and it was not until March 1, 1781, that the last ratification was secured and the Articles went into operation.

331. The Confederation.—The government that the Articles provided for was very imperfect in form. It consisted of but one branch, a legislature of a single house called Congress. Such executive powers as the Government possessed were vested in this body. The States appointed delegates in such manner as they saw fit, and had an equal voice in deciding all questions. Nine States were

necessary to carry the most important measures, and to amend the Articles required unanimity. In powers the Government was quite as defective as in form. It could not enforce its own will upon the people, but was wholly dependent upon the States. It could not impose taxes or draft men for the army, but only call upon the States for money and men ; and if the States refused to furnish them, which they often did, Congress had no remedy. Much of the disaster and distress attending the war grew out of the weakness of Congress, and when peace came, the States became still more careless, while Congress became weaker than ever. Meantime the state of the country was as unsatisfactory as that of the Government. The State governments were efficient, but they looked almost exclusively to their own interests. Commercial disorder and distress prevailed throughout the country. As early therefore as 1785 the conviction was forcing itself upon many men's minds that something must be done to strengthen the Government or the Union would fall to pieces.

332. Calling of the Federal Convention.—In 1785 Commissioners representing Virginia and Maryland met at Alexandria, in the former State, to frame a compact concerning the navigation of the waters that were common to the two States. They reported to their respective Legislatures that the two States alone could do nothing, but that general action was necessary. The next year commissioners representing five States met at Annapolis to consider the trade of the country, and these commissioners concluded that nothing could be done to regulate trade separate and apart from other general interests. So they recommended that a general convention should be held at Philadelphia to consider the situation of the United States, to devise further pro-

visions to render the Articles of Confederation adequate to the needs of the Union, and to recommend action that, when approved by Congress and ratified by the State Legislatures, would effectually provide for the same. This recommendation was directed to the Legislatures of the five States, but copies of it were sent to Congress also and to the Governors of the other eight States. So in February, 1787, Congress adopted a resolution inviting the States to send delegates to such a convention to be held in Philadelphia in May following. And the Legislatures of all the States but Rhode Island did so.

333. The Constitution Framed.—On May 25, 1787, the Convention organized, with the election of Washington as President. It continued in session until September 17, when it completed its work and sent our present National Constitution, exclusive of the fifteen Amendments, to Congress. In framing this document great difficulties were encountered. Some delegates favored a government of three branches; others a government of a single branch. Some delegates wanted a legislature of two houses; some of only one house. Some delegates wished the representation in the houses to be according to the population of the States; others were determined that it should be equal, as in the Old Congress. Differences as to the powers to be exercised by Congress were equally serious. There were also controverted questions as to revenue, the control of commerce, the slave trade, and many other matters. Furthermore, the opinions that the delegates held were controlled in great degree by State considerations. The large States wanted representation to be according to population; a majority of the small ones insisted that it should be equal. The commercial States of the North said Congress should control the

subject of commerce, which the agricultural States of the South did not favor. Georgia and the Carolinas favored the continuance of the slave trade, to which most of the other States were opposed. But progressively these differences were overcome by adjustment and compromise, and, at the end, all of the delegates who remained but three signed their names to the Constitution, while all the States that were then represented voted for its adoption. What had been done, however, was to frame a new constitution and not to patch up the old one. The body that framed it is called the Federal Convention.

334. The Constitution Ratified.—The Convention had no authority to make a new constitution, but only to recommend changes in the old one. So on the completion of its work, it sent the document that it had framed to Congress with some recommendations. One of these was that Congress should send the Constitution to the States, with a recommendation that the Legislatures should submit it to State conventions to be chosen by the people, for their ratification. Congress took such action, and the States, with the exception of Rhode Island, took the necessary steps to carry out the plan. Ultimately every State in the Union ratified the Constitution; but North Carolina and Rhode Island did not do so until the new Government had been some time in operation. Nor was this end secured in several of the other States, as Massachusetts, New York, and Virginia, without great opposition.

335. Friends and Enemies of the Constitution.—Those who favored the ratification of the Constitution have been divided into these classes: (1) Those who saw that it was the admirable system that time has proved it to be; (2) those who thought it imperfect but still be-

lieved it to be the best attainable government under the circumstances; (3) the mercantile and commercial classes generally, who believed that it would put the industries and trade of the country on a solid basis. Those who opposed it have been thus divided: (1) Those who resisted any enlargement of the National Government, for any reason; (2) those who feared that their importance as politicians would be diminished; (3) those who feared that public liberty and the rights of the States would be put in danger; (4) those who were opposed to vigorous government of any kind, State or National.¹

336. The New Government Inaugurated.—The new Constitution was to take effect as soon as nine States had ratified it, its operation to be limited to the number ratifying. When this condition had been complied with, the Continental Congress enacted the legislation necessary to set the wheels of the new Government in motion. It fixed a day for the appointment of Presidential Electors by the States, a day for the Electors to meet and cast their votes for President and Vice-President, and a day for the meeting of the new Congress. The day fixed upon for Congress to meet was March 4, 1789; but a quorum of the House of Representatives was not secured until April 1, and of the Senate not until April 6, owing to various causes. On the second of these dates the Houses met in joint convention to witness the counting of the Electoral votes. Washington was declared elected President, John Adams Vice-President. Messengers were at once sent to the President- and Vice-President-elect summoning them to New York, which was then the seat of government. Here Washington was inaugurated April 30. The Legislative and Executive branches of the Government were now in motion.

¹G. T. Curtis: *History of the Constitution*, Vol. II, pp. 495, 496.

CHAPTER XXXII.

AMENDMENTS MADE TO THE CONSTITUTION.

The American Government. Sections 457-460; 467-474; 536-537; 604-607; 623-652.

It was anticipated that amendments to the Constitution would be found necessary, and a method was accordingly provided for making them. This method embraces the two steps that will now be described.

337. Proposing an Amendment.—This may be done in either of two ways. First, Congress may propose an amendment by a two-thirds vote of each House; secondly, Congress shall, on the application of the Legislatures of two-thirds of the States, call a convention of the States for that purpose. The first way is evidently the simpler and more direct of the two, and it is the one that has always been followed.

338. Ratifying an Amendment.—This also may be done in one of two ways. One is to submit the amendment to the Legislatures of the States, and it becomes a part of the Constitution when it is ratified by two-thirds of them. The other way is to submit the amendment to conventions of the States, and it becomes binding when two-thirds of such conventions have given it their approval. Congress determines which of the two ways shall be adopted. The first is the simpler and more direct, and it has been followed in every instance.

339. Amendments I-X.—One of the principal objections urged against the Constitution when its ratification was pending in 1787-88, was the fact that it lacked a bill of rights. Such a bill, it may be observed, is a

statement of political principles and maxims. The States had fallen into the habit of inserting such bills in their constitutions. At its first session, Congress undertook to remedy this defect. It proposed twelve amendments, ten of which were declared duly ratified, December 15, 1791. These amendments, numbered I to X, are often spoken of as a bill of rights.

340. Amendment XI.—Article III of the Constitution made any State of the Union suable by the citizens of the other States and by citizens or subjects of foreign states. (See section 2, clause 1.) This was obnoxious to some of the States, and when such citizens began to exercise their right of suing States a movement was set on foot to change the Constitution in this respect. An amendment having this effect was duly proposed, and was declared ratified January 8, 1798.

341. Amendment XII.—According to the original Constitution, the members of the Electoral colleges cast both their ballots for President and neither one for Vice-President. The rule was that the candidate having most votes should be President, and the one having the next larger number Vice-President, provided in both cases it was a majority of all the Electors. In 1800 it happened that Thomas Jefferson and Aaron Burr had each an equal number of votes and a majority of all. The Democratic-Republican party, to which they belonged, had intended Jefferson for the first place and Burr for the second. The election went to the House of Representatives, and was attended by great excitement. Steps were taken to prevent a repetition of such a dead-lock. This was accomplished by an amendment declared ratified September 25, 1804.

342. Amendment XIII.—Slavery was the immediate exciting cause of the Civil War, 1861–65. In the course

of the war President Lincoln, acting as commander-in-chief of the army and navy of the United States, declared all the slaves held in States and parts of States that were engaged in the war against the Union free. The other Slave States, Delaware, Maryland, Kentucky, Tennessee, and Missouri, and parts of Louisiana and Virginia, his power did not reach as they were not in rebellion. The conviction grew strong throughout the country that slavery should not survive the war. This conviction asserted itself in Amendment XIII, which took effect December 18, 1865.

343. Amendment XIV.—At the close of the Civil War Congress was called upon to deal with the important question of readjusting the States that had seceded from the Union. It was thought necessary to incorporate certain new provisions into the Constitution. So an elaborate amendment was prepared and duly ratified. It was declared in force July 28, 1868. The most far-reaching of the new provisions were those in relation to citizenship contained in the first section.

344. Amendment XV.—Down to 1870 the States had fixed the qualifications of their citizens for voting to suit themselves. At that time most of the States, and all of the Southern States, denied suffrage to the negroes. The emancipation of the slaves, together with Amendment XIV, made the negroes citizens of the United States and of the States where they resided. But the negroes had no political power, and so no direct means of defending their civil rights. To remedy this state of things a new amendment was proposed and ratified, bearing the date of March 30, 1870. It declared that the right of citizens to vote should not be abridged, either by the United States or by any State, on account of race, color, or previous condition of servitude.

CHAPTER XXXIII.

THE SOURCE AND NATURE OF THE GOVERNMENT.

The American Government. Sections 223-262; 610-613; 615-620; 655-658; 763-772.

The source of the Government of the United States, and some of its leading features, are either stated or suggested in the first paragraph of the Constitution. This paragraph is commonly called the Preamble, but it is really an enacting clause, since it gives the instrument its whole force and validity.

345. The Preamble. — “We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

The following propositions are either asserted or implied in this language :—

1. The Government proceeds from the people of the United States. They ordain and establish it. It is therefore: a government of the people, by the people, and for the people.

2. The ends for which it is ordained and established are declared. It is to form a more perfect union, establish justice, etc.

3. It is a constitutional government. It rests upon a written fundamental law. On the one part it is opposed

to an absolute government, or one left to determine its own powers, like that of Russia; and on the other, it is opposed to a government having an unwritten constitution, consisting of maxims, precedents, and charters, like that of England.

4. The terms Union and United States suggest that it is a federal government. The peculiarity of a federal state is that local powers are entrusted to local authorities, while general powers are entrusted to general or national authorities. How this division of powers originated, and how it affected the country in 1785-1789, was pointed out in the last chapter. The government of a State has been described in Part II. of this work. Part III. is devoted to the Government that is over all the States.

5. The same terms suggest that the Government is one of enumerated powers. It must be remembered that when the Constitution was framed thirteen State governments were already in existence, and that no one dreamed of destroying them or of consolidating them into one system. The purpose was rather to delegate to the new Government such powers as were thought necessary to secure the ends named in the Preamble, and to leave to the States the powers that were not delegated, unless the contrary was directly specified.

346. The Constitution in Outline.—The Constitution is divided into seven Articles, which are again divided into sections and clauses.

ARTICLE I. relates to the Legislative power.

ARTICLE II. relates to the Executive power.

ARTICLE III. relates to the Judicial power.

ARTICLE IV. relates to several subjects, as the rights and privileges of citizens of a State in other States, the surrender of fugitives from justice, the admission of

new States to the Union, the government of the National territory, and a guarantee of a republican form of government to every State.

ARTICLE V., a single clause, relates to the mode of amending the Constitution.

ARTICLE VI. relates to the National debt and other engagements contracted previous to 1789 and the supremacy of the National Constitution and laws.

ARTICLE VII., consisting of a single sentence, prescribes the manner in which the Constitution should be ratified, and the time when it should take effect.

The fifteen Amendments relate to a variety of subjects, as has been explained in Chapter XXVIII.

347. The Three Departments.—It has been seen that the Constitution distributes the powers of government among three departments, which it also ordains and establishes. This was done partly to secure greater ease and efficiency of working, and partly as a safeguard to the public liberties. Absolute governments are simple in construction, concentrating power in the hands of one person, or of a few persons; while free governments tend to division and separation of powers. In the words of Mr. Madison: “The accumulation of all powers, legislative, executive, and judiciary in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.”¹

¹ *The Federalist*, No. 47.

CHAPTER XXXIV.

THE COMPOSITION OF CONGRESS AND THE ELECTION OF ITS MEMBERS.

The American Government. Sections 263-301; 324-330.

348. Congress a Dual Body.—From an early time, the English Parliament has consisted of two chambers, the House of Commons and the House of Lords. Such a legislature is called bicameral, as opposed to one that is unicameral. The words mean consisting of two chambers and of one chamber. The great advantage of a bicameral legislature is that it secures fuller and more deliberate consideration of business. One house acts as a check or balance to the other; or, as Washington once put it, tea cools in being poured from the cup into the saucer. Countries that Englishmen have founded have commonly followed the example of the Mother Country in respect to the duality of their legislatures. Such was the case with the Thirteen Colonies, but such was not the case with the American Confederation from 1775 to 1789. In the Convention that framed the Constitution, the question arose whether the example of England and of the Colonies, or the example of the Confederation, should be followed. It was finally decided that all the legislative powers granted to the new Government should be vested in a Congress

which should consist of a Senate and a House of Representatives.

349. Composition of the Two Houses.—The House of Representatives is composed of members who are apportioned to the several States according to their respective numbers of population, and are elected for two years by the people of the States. The Senate is composed of two Senators from each State who are chosen by the Legislatures thereof, and each Senator has one vote.

The composition of Congress at first sharply divided the Federal Convention. Some members wanted only one house. Others wanted two houses. Some members were determined that the States should be represented in the new Congress equally, as had been the case in the old one. Others were determined that representation should be according to population. These controversies were finally adjusted by making two houses, in one of which representation should be equal and in the other proportional. This arrangement explains why New York and Nevada have each two Senators, while they have respectively thirty-four members and one member in the House of Representatives. This equality of representation in the Senate is the most unchangeable part of the National Government. The Constitution expressly provides that no State shall, without its own consent, ever be deprived of its equal suffrage in the Senate, which is equivalent to saying that it shall never be done at all. No such provision is found in relation to any other subject.

350. Qualifications of Representatives and Senators.—A Representative must be twenty-five years old, and must be a citizen of the United States of at least

seven years' standing. A Senator must be thirty years of age and must be nine years a citizen. The Representative and the Senator alike must be an inhabitant of the State in which he is elected or for which he is chosen. Previous absence from the State, even if protracted, as in the case of a public minister or consul to a foreign country, or a traveler, does not unfit a man to sit in either house. Representatives are not required by law to reside in their districts, but such is the custom.

No person can be a Senator or Representative, or an Elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who having once taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an Executive or Judicial officer of any State, to support the Constitution of the United States, has afterwards engaged in insurrection or rebellion against the same, or given assistance to their enemies. But Congress may remove this disability by a two-thirds vote of each house.

351. Regulation of Elections.—The times, places, and manner of electing Senators and Representatives are left, in the first instance, to the Legislatures of the States, but they are so left subject to the following rule: "Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators." Defending this rule in 1788, Mr. Hamilton said: "Every government ought to contain in itself the means of its own preservation; while it is perfectly plain that the States, or a majority of them, by failing to make the necessary regulations, or by making improper ones, could break up or prevent the first elections of the Houses of

Congress." The right to name the places where Senators shall be chosen is denied to Congress for a very sufficient reason. If Congress possessed that power it could determine, or at least largely influence, the location of the State capitals.

352. Elections of Senators.—Previous to 1866, the Legislature of every State conducted these elections as it pleased. Sometimes the two houses met in joint convention, a majority of the whole body determining the choice. Sometimes the two houses voted separately, a majority of each house being required to elect. It is obvious that the two methods might operate very differently. If the same political party had a majority in both houses, the result would probably be the same in either case; but if the two houses were controlled by different parties, then the party having the majority of votes on a joint ballot would probably elect the Senator. If the second plan was followed, and the two houses differed in regard to a choice, there were delays, and elections were sometimes attended by serious scandals. So Congress, in 1866, passed a law providing that the Legislature next preceding the expiration of a Senator's term, in any State, shall, on the second Tuesday after its meeting and organization, proceed to elect a Senator in the following manner:—

1. Each house votes, *viva voce*, for Senator. The next day at twelve o'clock the two houses meet in joint session, and if it appears from the reading of the journals of the previous day's proceedings that the same person has received a majority of all the votes cast in each house, he is declared duly elected.

2. If no election has been made, the joint assembly proceeds to vote, *viva voce*, for Senator, and if any

person receive a majority of all the votes of the joint assembly, a majority of all the members elected to both houses being present and voting, such person is declared duly elected.

3. If a choice is not made on this day, then the two houses must meet in joint assembly each succeeding day at the same hour, and must take at least one vote, as before, until a Senator is elected or the Legislature adjourns.

4. If a vacancy exists on the meeting of the Legislature of any State, said Legislature must proceed, on the second Tuesday after its meeting and organization, to fill such vacancy in the same manner as in the previous case; and if a vacancy occur when the session is in progress, the Legislature must proceed, as before, to elect on the second Tuesday after they have received notice of the vacancy.

353. Vacancies.—When a vacancy occurs in the recess of the Legislature of a State, owing to death or other cause, the Governor makes an appointment that continues until the next meeting of the Legislature, when the vacancy is filled in the usual manner. In all cases of vacancies the appointed or newly elected Senator only fills out the term of his predecessor.

354. Division of Senators. — The Senators are equally divided, or as nearly so as may be, into three classes with respect to the expiration of their terms, as follows:

Class 1, 1791, 1797.....	1893, 1899
Class 2, 1793, 1799.....	1895, 1901
Class 3, 1795, 1801.....	1897, 1903

The two Senators from a State are never put in the same class; and as the terms of the first Senators from a State now admitted to the Union expire with the terms

of the classes to which they are assigned, one or both of them may serve less than the full term of six years.

355. Electors of Representatives.—The persons who may vote for the most numerous branch of the State Legislature in any State, or the house of representatives, may also vote for members of the National House of Representatives. Usually, however, a State has only one rule of suffrage; that is, a person who may vote for members of the lower house of the State Legislature may vote also for all State and local officers. Practically, therefore, the rule is that State electors are National electors; or, in other words, the Constitution adopts for its purposes the whole body of the State electors, whoever they may be. In Wyoming, Colorado, and Utah women vote on the same terms and conditions as men. In Massachusetts, Connecticut, Maine, and Mississippi there is an educational qualification for the suffrage. But in most of the States males only twenty-one years of age and upwards, having certain prescribed qualifications, are permitted to vote.

356. Apportionment of Representatives in the Constitution.—The Constitution provides that members of the House of Representatives shall be apportioned among the several States according to their respective numbers. The original rule for determining these numbers was that all free persons, including apprentices or persons bound to service for a term of years, but excluding Indians not taxed (or Indians living in tribal relations), and three-fifths of all other persons, should be counted. The “other persons” were the slaves. The abolition of slavery and the practical disappearance of apprenticeship have considerably simplified matters. The Fourteenth Amendment to the Constitution provides that Representatives shall be apportioned according to

population, counting the whole number of persons in a State, excluding Indians who are not taxed. This rule is applied to the people of the States regardless of age, sex, color, or condition. The Constitution further provides that the number of Representatives shall not exceed one for every 30,000 people, but that every State shall have one Representative regardless of population.

357. The Census.—The Constitution of 1787 fixed the number of members of the House of Representatives at 65, and apportioned them among the States as best it could, using the information in respect to population that was accessible. It also provided that an actual enumeration of the people should be made within three years of the first meeting of Congress, and that it should be repeated thereafter within every period of ten years. This enumeration was also called the census. In conformity with this provision, eleven decennial censuses of the United States have been taken, 1790, 1800, . . . 1890.

358. Method of Apportionments.—The decennial apportionment of members of the House is made by Congress, and that body has performed the duty in different ways. The apportionment of 1893 was made in the following manner: First, the House was conditionally made to consist of 356 members. Next, the population of the country, not counting the Territories, was divided by this number, which gave a ratio of 173,901. The population of every State was then divided by this ratio and the quotients added, giving 339. The numbers of Representatives indicated by these quotients were then assigned to the several States, and one Representative each in addition to the seventeen States having fractions larger than one-half the ratio, thus making the original number, 356. The admission of Utah has added one more.

When a new State comes into the Union, its Representative or Representatives are added to the number previously constituting the House.¹

359. Elections of Representatives.—For fifty years Congress allowed the States to elect their Representatives in their own way. The State Legislatures fixed the times and the places and regulated the manner of holding the elections; the elections were conducted without any regulation or control whatever being exercised by the National Government. Very naturally there were considerable differences of practice. In 1842 Congress first exercised its power of regulation. Three points must be noted:—

1. In 1842 Congress provided by law that, in every case where a State was entitled to more than one Representative, the members to which it was entitled should be elected by districts composed of contiguous territory equal in number to the number of Representatives to be chosen, no district electing more than one. It is, however, provided that when the number of Representatives to which a State is entitled has been increased at any decennial apportionment, and the State Legislature has failed to make the districting conform to the change,

¹ The Numbers of the House and the Ratios of Representation are set down in the following table, with the period:

Period.	Size of House.	Ratio.
1789-1793	65	
1793-1803	105	33,000
1803-1813	141	33,000
1813-1823	181	35,000
1823-1833	212	40,000
1833-1843	240	47,700
1843-1853	223	70,680
1853-1863	234	93,503
1863-1873	241	127,941
1873-1883	292	130,533
1883-1893	332	151,911
1893	357	173,901

the whole number shall be chosen by the State as a unit and not by districts. It is also provided that if the number apportioned to any State is increased, and the Legislature fails to district the State, the old districting shall stand, but that the additional member or members shall be elected by the State as a whole. Representatives elected on a general ticket, and not by district tickets, from States having more than one member, are called Representatives-at-large. Since 1872 Congress has prescribed that the districts in a State must, as nearly as practicable, contain an equal number of inhabitants. Congress has never constituted the Congressional districts, as they are called, but has always left that duty to the State Legislatures. As a rule the division of the States into districts, when once made, is allowed to stand for ten years, or until a new apportionment is made; but not unfrequently it is changed, or the State is re-districted, as the saying is, for the sake of obtaining some political advantage. The operation called "gerrymandering"¹ is only too well known in American history.

2. In 1871 Congress enacted that all votes for members of the House of Representatives should be by printed ballots, and that rule has continued until the present day.

3. In 1872 Congress prescribed that the elections should be held on the Tuesday next after the first Monday in November in every even numbered year, 1874, 1876 . . . 1896, 1898, etc. Later legislation exempted from the

¹The *Century Dictionary* gives the following history of this word: "*Gerrymander*. In humorous imitation of *Salamander*, from a fancied resemblance of this animal to a map of one of the districts formed in the redistricting of Massachusetts by the Legislature in 1811, when Elbridge Gerry was Governor. The districting was intended (it was believed, at the instigation of Gerry), to secure unfairly the election of a majority of Democratic Senators. It is now known, however, that he was opposed to the measure."

operation of this rule such States as had prescribed a different day in their constitutions. Accordingly Oregon elects her Representatives the first Monday of June, Vermont hers the first Tuesday of September, and Maine hers the second Monday of the same month.

In nearly every case, if not indeed in every one, the State elects State officers at the same time that the elections of the National House of Representatives are held. Moreover, the elections of Representatives are conducted by the same officers that conduct the State elections. These officers count the votes and make the returns required by law. The Representative receives his certificate of election from the Governor of his State. If a vacancy occurs in any State, owing to any cause, the Governor issues a proclamation, called a writ of election, appointing a special election to fill the vacancy.

360. Compensation of Members of Congress.—Senators and Representatives receive a compensation from the Treasury of the United States. Congress fixes by law the pay of its own members, subject only to the President's veto.¹

¹The compensation at different times is exhibited in the following table:

1789-1815.....	\$ 6.00 a day.
1815-1817.....	1500.00 a year.
4817-1855.....	8.00 a day.
1855-1865.....	3000.00 a year.
1865-1871.....	5000.00 a year.
1871-1873.....	7500.00 a year.
1873-1896.....	5000.00 a year.

Save for a period of only two years, Senators and Representatives have always received a mileage or traveling allowance. At present this allowance is twenty cents a mile for the necessary distance traveled in going to and returning from the seat of government. The Vice-President, the President *pro tempore* of the Senate, and the Speaker of the House of Representatives now receive each a salary of \$8,000 a year.

361. Privileges of Members of Congress.—In all cases but treason, felony, and breach of the peace, Senators and Representatives are exempt from arrest during their attendance at the session of their respective houses and in going to and returning from the same. In other words, unless he is charged with one or more of the grave offenses just named, a member of either house cannot be arrested from the time he leaves his home to attend a session of Congress until he returns to it. Further, a Senator or Representative cannot be held responsible in any other place for any words that he may speak in any speech or debate in the house to which he belongs. This rule protects him against prosecution in the courts, even if his words are slanderous. Still more, speeches or debates, when published in the official report called “The Congressional Record,” are also privileged matter, and the speakers cannot be held accountable for libel. This freedom from arrest and this exemption from responsibility in respect to words spoken in the discharge of public duty, are not privileges accorded to the Senator and Representative in their own interest and for their own sake, but rather in the interest and for the sake of the people whom they represent. If they were liable to arrest for any trivial offense, or if they could be made to answer in a court of law for what they might say on the floor of Congress, the business of the country might be interfered with most seriously. The rights of legislative bodies must be rigidly maintained. The one rule given above is necessary to protect the freedom of representation, the other to protect the freedom of debate.

362. Prohibitions Placed Upon Members of Congress.—No Senator or Representative can, during the time for which he was elected, be appointed to any civil

office under the United States that is created, or the pay of which is increased, during such time. Appointments to many offices, and to all of the most important ones, are made by the President with the advice and consent of the Senate. Moreover, the President is always interested in the fate of measures that are pending before Congress, or are likely to be introduced into it. There is accordingly a certain probability that, if he were at liberty to do so, the President would enter into bargains with members of Congress, they giving him their votes and he rewarding them with offices created or rendered more lucrative for that very purpose. This would open up a great source of corruption. A Senator or Representative may, however, be appointed to any office that existed at the time of his election to Congress, provided the compensation has not been since increased. Still he cannot hold such office while a member of Congress. On the other hand, the Constitution expressly declares: "No person holding any office under the United States shall be a member of either house during his continuance in office."

363. Length of Congress.—The term Congress, is used in two senses. It is the name of the National Legislature as a single body, and it is also the name of so much of the continuous life of that body as falls within the full term of office of the Representative. We speak of Congress, and of a Congress. Thus there are a First, Second, . . . and Fifty-fourth Congress, filling the periods 1789-1791, 1791-1793 . . . 1895-1897. The length of a Congress was fixed when the Convention of 1787 made the Representative's term two years. The time of its beginning and ending was due to an accident. The Old Congress provided in 1788 for setting the new Government in operation; it named

the first Wednesday of March, 1789, as the day when the two Houses of Congress should first assemble, which happened to be the fourth day of that month. Thus a point of beginning was fixed and, as the rule has never been changed, our Congresses continue to come and go on the fourth of March of every other year. The present procedure is as follows: Representatives are chosen in November of every even year, 1892, 1894, 1896, while their terms, and so the successive Congresses, begin on March 4 of every odd numbered year, 1893, 1895, 1897.

While Representatives come and go together at intervals of two years, Senators come and go in thirds at the same intervals. The result is that while a House of Representatives lasts but two years, the Senate is a perpetual body.

364. Meeting of Congress.—Congress must assemble at least once every year, and such meeting is on the first Monday of December, unless by law it names another day. Hence every Congress holds two regular sessions. Furthermore, Congress may by law provide for special sessions, or it may hold adjourned sessions, or the President, if he thinks it necessary, may call the houses together in special session. As a matter of fact, all of these things have been done at different times. As the law now stands the first regular session of Congress begins on the first Monday of December following the beginning of the Representative's term, and it may continue until the beginning of the next regular session, and commonly does continue until midsummer. The second regular session begins the first Monday of December, but can continue only until March 4 of the next year, or until the expiration of the Representative's term. It is the custom to call these the long and the short sessions.

CHAPTER XXXV.

THE ORGANIZATION OF CONGRESS AND ITS METHOD OF DOING BUSINESS.

*The American Government. Sections 275; 293-294; 312-323;
331-340.*

365. Officers of the Senate.—The Vice-President of the United States is President of the Senate, but has no vote unless the Senators are equally divided. The Senate chooses its other officers, the Secretary, Chief Clerk, Executive Clerk, Sergeant-at-Arms, Door Keeper, and Chaplain. The duties of these officers are indicated by their titles. The Senators also choose one of their number President *pro tempore*, who presides in the absence of the Vice-President or when he has succeeded to the office of President. The Senate is a perpetual body, and is ordinarily fully organized, although not in actual session, at any given time.

366. Officers of the House of Representatives.—The House chooses one of its members Speaker, who presides over its proceedings. It also chooses persons who are not members to fill the other offices, the Clerk, Sergeant-at-Arms, Postmaster, and Chaplain. The Speaker has the right to vote on all questions, and must do so when his vote is needed to decide the question that is pending. He appoints all committees, designating their chairmen, and is himself chairman of the important Committee on Rules. His powers are very great, and he is sometimes said to exercise as much

influence over the course of the Government as the President himself. The Speaker's powers cease with the death of the House that elects him, but the Clerk holds over until the Speaker and Clerk of the next House are elected, on which occasions he presides. It is common to elect an ex-member of the House Clerk.

367. The Houses Judges of the Election of their Members.—The Houses are the exclusive judges of the elections, returns, and qualifications of their members; that is, if the question arises whether a member has been duly elected, or whether the returns have been legally made, or whether the member himself is qualified, the house to which he belongs decides it. In the House of Representatives contested elections, as they are called, are frequent. As stated before, the Governor of the State gives the Representative his certificate of election, which is duly forwarded to Washington addressed to the Clerk of the House next preceding the one in which the Representative claims a seat. The Clerk makes a roll of the names of those who hold regular certificates, and all such persons are admitted to take part in the organization of the House when it convenes. Still such certificate and admission settle nothing when a contestant appears to claim the seat. The House may then investigate the whole case from its very beginning, and confirm the right of the sitting member to the seat, or exclude him and admit the contestant, or declare the seat vacant altogether if it is found that there has been no legal election. In the last case, there must be a new election to fill the vacancy. The Governor of the State also certifies the election of the Senator. A Senator-elect appearing with regular credentials is admitted to be sworn and to enter upon his duties, but the Senate is still at liberty to inquire into his election and qualifi-

cations, and to exclude him from his seat if, in its judgment, the facts justify such action. In respect to qualifications, it may be said that persons claiming seats, or occupying them, have been pronounced disqualified because they were too young, or because they had not been naturalized a sufficient time, or because they have been guilty of some misconduct. From the decision of the Houses in such cases there is no appeal.

368. Quorums.—The Houses cannot do business without a quorum, which is a majority of all the members; but a smaller number may adjourn from day to day, and may compel the attendance of absent members. Whether a quorum is present in the House of Representatives or not, is determined by the roll-call or by the Speaker's count. If a quorum is not present, the House either adjourns or it proceeds, by the method known as the call of the House, to compel the attendance of absentees. In the latter case officers are sent out armed with writs to arrest members and bring them into the chamber. When a quorum is obtained, the call is dispensed with and business proceeds as before. In several recent Congresses a rule has prevailed allowing the names of members who were present but who refused to vote to be counted, if necessary, for the purpose of making a quorum.

369. Rules of Proceedings.—Each house makes its own rules for the transaction of business. The rules of the Senate continue in force until they are changed, but those of the House of Representatives are adopted at each successive Congress. Still there is little change even here from Congress to Congress. Owing to the greater size of the body, the rules of the House are much more complex than the rules of the Senate. The rules of both Houses, like the rules of all legislative

assemblies in English-speaking countries, rest ultimately upon what is known as Parliamentary Law, which is the general code of rules that has been progressively developed by the English Parliament to govern the transaction of its business. Still many changes and modifications of this law have been found necessary, to adapt it to the purposes of Congress, and especially of the House of Representatives.

370. Power to Punish Members.—The Houses may punish members for disorderly behavior, and by a vote of two-thirds may expel members. These necessary powers have been exercised not unfrequently. In 1842 the House of Representatives reprimanded J. R. Giddings, of Ohio, for introducing some resolutions in relation to slavery; while the Senate in 1797 expelled William Blount, of Tennessee, for violating the neutrality laws, and in 1863 Mr. Bright, of Indiana, for expressing sympathy with the Southern secessionists. From the decisions of the Houses in such cases there is no appeal.

371. Journals and Voting.—The Houses are required to keep a full history of their proceedings in records called journals, and to publish the same except such parts as in their judgment require secrecy. But as the House of Representatives always sits with open doors, the provision in respect to secrecy has no practical effect in that body. It is also null in the Senate except in executive sessions. These are secret sessions held for the transaction of special business sent to the Senate by the President, as the consideration of treaties and nominations. The yeas and nays must be called, and must be entered on the journal, when such demand is made by one-fifth of the members present. The object of these rules is to secure full publicity in regard to what is done in Congress. On the call of the roll, which is the only

form of voting known in the Senate, members are entered as voting yea or nay, as absent or not voting. In the House votes are taken in three other ways: by the *viva voce* method, the members answering aye or no when the two sides of the question are put; by the members standing until the presiding officer counts them; by the members passing between two men called tellers, who count them and report the numbers of those voting on the one side and on the other, to the Chair.

372. Mode of Legislating.—A bill is a written or printed paper that its author proposes shall be enacted into a law. Every bill that becomes a law of the United States must first pass both Houses of Congress by majority votes of quorums of their members. Still more, this must be done according to the manner prescribed by the rules, which on this subject are very minute. For example, no bill or joint resolution can pass either house until it has been read three times, and once at least in full in the open house. The presiding officers of the two Houses certify the passage of bills by their signatures. When a bill has thus passed Congress it is sent to the President for his action, who may do any one of three things with it.

373. Action of the President.—1. The President may approve the bill, in which case he signs it and it becomes a law.

2. He may disapprove the bill, in which case he sends it back to the house that first passed it, or in which it originated, with his objections stated in a written message. In such case he is said to veto it. This house now enters the message in full on its journal and proceeds to reconsider the bill. If two-thirds of the members, on reconsideration, vote to pass the bill, it is sent to the other house, which also enters the message

on its journal and proceeds to reconsider. If two-thirds of this house also vote for the bill, it becomes a law notwithstanding the President's objections. The bill is now said to pass over the President's veto. In voting on vetoed bills the Houses must vote by yeas and nays, and the names of those voting are entered on the journal. If the house to which the bill is returned fails to give it a two-thirds vote, the matter goes no farther; if the second one fails to give it such vote, the failure is also fatal. In either case the President's veto is said to be sustained.

3. The President may keep the bill in his possession, refusing either to approve or disapprove it. In this case, it also becomes a law, when ten days, counting from the time that the bill was sent to him, have expired, not including Sundays. However, to this rule there is one important exception. If ten days do not intervene between the time that the President receives the bill and the adjournment of Congress, not counting Sundays, it does not become a law. Accordingly the failure of the President to sign or to return a bill passed within ten days of the adjournment defeats it as effectually as a veto that is sustained by Congress could defeat it. The President sometimes takes this last course, in which case he is said to "pocket" a bill or to give it a "pocket" veto.

374. Orders, Resolutions, and Vetoes. — Every order, resolution, or veto to which the concurrence of both Houses of Congress is necessary, save on questions of adjournment, must be sent to the President for his approval. This rule prevents Congress enacting measures to which the President may be opposed by calling them orders, resolutions, or votes and not bills. Still the resolutions of a single house, or joint resolutions that merely declare opinions and do not enact legislation, are not subject to this rule. Nor is it necessary for the Pres-

ident to approve resolutions proposing amendments to the Constitution of the United States.

375. The Committee System.—To a great extent legislation is carried on in both Houses by means of committees. These are of two kinds. Standing committees are appointed on certain subjects, as commerce, the post-office, and foreign affairs, for a Congress. Special committees are appointed for special purposes. The House of Representatives has more than fifty standing committees; the Senate not quite so many. All House committees are appointed by the Speaker. Senate committees are elected by the Senators on caucus nominations. The standing committees of the House consist of from three to seventeen members; of the Senate from two to thirteen. The committees draw up bills, resolutions, and reports, bringing them forward in their respective houses. To them also bills and resolutions introduced by single members are almost always referred for investigation and report before they are acted upon in the house.

376. Adjournments.—The common mode of adjournment is for the two Houses to pass a joint resolution to that effect, fixing the time. The President may, in case of a disagreement between the Houses respecting the time of adjournment, adjourn them to such time as he thinks proper; but no President has ever had occasion to do so. Neither House, during the session of Congress, can, without the consent of the other, adjourn for more than three days, or to any other place than the one in which Congress shall be sitting at the time. It is therefore practically impossible for the two Houses to sit in different places, as one in Washington and the other in Baltimore. As is elsewhere explained, the Senate may sit alone to transact executive business, if it has been convened for that purpose.

CHAPTER XXXVI.

THE IMPEACHMENT OF CIVIL OFFICERS.

The American Government. Sections 302 311; 484.

377. Impeachment Defined.—In the legal sense, an impeachment is a solemn declaration by the impeaching body that the person impeached is guilty of some serious misconduct that affects the public weal. In the United States, the President, Vice-President, and all other civil officers are subject to impeachment for treason, bribery, or other high crimes and misdemeanors. In England, military officers and private persons may be impeached as well as civil officers. The other crimes and misdemeanors mentioned in the Constitution are not necessarily defined or prohibited by the general laws. In fact, few of them are so treated. Impeachment is rather a mode of punishing offenses that are unusual, and that, by their very nature, cannot be dealt with in the general laws. Thus Judge Pickering was impeached in 1803 for drunkenness and profanity on the bench, and Judge Chase the next year for inserting criticisms upon President Jefferson's administration in his charge to a grand jury, while President Johnson was impeached in 1867, among other things, for speaking disparagingly of Congress. But none of these acts were prohibited by the laws. Senators and Representatives are exempt from impeachment.

378. The Power of the House.—The House of Representatives has the sole power of impeachment, as

the House of Commons has in England. The following are the principal steps to be taken in such case. The House adopts a resolution declaring that Mr. — be impeached. Next it sends a committee to the Senate to inform that body of what it has done, and that it will in due time exhibit articles of impeachment against him and make good the same. The committee also demands that the Senate shall take the necessary steps to bring the accused to trial. Then the House adopts formal articles of impeachment, defining the crimes and misdemeanors charged, and appoints a committee of five managers to prosecute the case in its name, and in the name of the good people of the United States. These articles of impeachment are similar to the counts of an indictment found by a grand jury in a court of law.

379. The Power of the Senate.—The action of the House of Representatives settles nothing as to the guilt or innocence of the person accused. The Constitution places the power to try impeachments exclusively in the Senate, as in England it is placed exclusively in the House of Lords. So when the House has taken the first step described in the last paragraph, the Senate takes the action that is demanded. It fixes the time of trial, gives the accused an opportunity to file a formal answer to the charges that have been made against him, and cites him to appear and make final answer at the time that has been fixed upon for the trial. The Senators sit as a court, and when acting in such a capacity they must take a special oath or affirmation. When the President is tried, the Chief Justice presides. No person shall be convicted unless two-thirds of the Senators present vote that he is guilty of one or more of the offenses charged. As the Vice-President would have a personal interest in the issue should the President be put on trial, owing to

the fact that the Vice-President succeeds to the presidency in case of the removal of the President, it would manifestly be a gross impropriety for him to preside in such case. He would be in a position to influence the verdict.

380. The Trial.—The Senate sits as a court, as before explained. The ordinary presiding officer occupies the chair on the trial, save in the one excepted case of the President. At first the House of Representatives attends as a body, but afterwards only the five managers are expected to attend. The accused may attend in person and speak for himself; he may attend in person, but entrust the management of his cause to his counsel; he may absent himself altogether, and either leave his cause to his counsel or make no defense whatever. Witnesses may be brought forward to establish facts, and all other kinds of legal evidence may be introduced. The managers and the counsel of the accused carry on the case according to the methods established in legal tribunals. When the case and the defense have been presented, the Senators discuss the subject in its various bearings, and then vote yea or nay upon the various articles that have been preferred. The trial is conducted with open doors, but the special deliberations of the Senate are carried on behind closed doors. A copy of the judgment, duly certified, is deposited in the office of the Secretary of State.

381. Punishment in Case of Conviction.—The Constitution declares that judgment in cases of conviction shall not go further than to work the removal of the officer convicted from his office, and to render him disqualified to hold and enjoy any office of honor, trust, or profit under the United States. It declares also that all persons who are impeached shall be removed from office

on conviction by the Senate. Here the subject is left. It is therefore for the Senate to say whether, in a case of conviction, the officer convicted shall be declared disqualified to hold office or not, in the future, and this is as far as the discretion of the Senate extends. Whatever the punishment may be, it is final and perpetual. The President is expressly denied the power to grant reprieves and pardons in impeachment cases. This is because such power, once lodged in his hands, would be peculiarly liable to abuse. But this is not all. If the crimes or misdemeanors of which an officer has been convicted are contrary to the general laws, he is still liable to be indicted, tried, judged, and punished by a court of law just as though he had not been impeached.

382. Impeachment Cases.—There have been but seven such cases in the whole history of the country. William Blount, Senator from Tennessee, 1797–98; John Pickering, District Judge for New Hampshire, 1803–1804; Samuel Chase, Justice of the Supreme Court, 1804–1805; James Peck, District Judge for Missouri, 1829–1830; W. W. Humphreys, District Judge for Tennessee, 1862; Andrew Johnson, President of the United States, 1867; W. W. Belknap, Secretary of War, 1876. Only Pickering and Humphreys were found guilty.

CHAPTER XXXVII.

THE GENERAL POWERS OF CONGRESS.

The American Government. Sections 341-418.

In a free country the legislative branch of the government tends to become the most powerful of all the branches, overtopping both the executive and the judiciary. This is true in the United States. The powers of Congress are divisible into general and special powers, of which the first are by far the more important. The general powers are described in section 8, Article 1, of the Constitution, and occupy eighteen clauses. They will now be described.

383. Taxation.—Revenue is the life-blood of government. The first Government of the United States failed miserably, and largely because it could not command money sufficient for its purposes. When the present Government was constituted, good care was taken to guard this point. It was clothed with the most ample revenue powers. Congress may, without limit, lay and collect taxes to pay the debts and provide for the common defense and general welfare of the United States. These taxes are of two kinds, direct and indirect. Direct taxes are taxes on land and incomes and poll or capita-tion taxes. Here the taxes are paid by the person owning the land or enjoying the income. Taxes on imported goods, called custom duties and sometimes imposts, and taxes on liquors paid at the distillery or brewery, and on cigars and tobacco paid at the factory, are indirect taxes. Here the tax is added to the price of the article

by the person who pays it in the first instance, and it is ultimately paid by the consumer. Taxes of the second class are collectively known as internal revenue to distinguish them from customs or duties, which might be called external revenue. The term excise, used in the Constitution, but not in the laws, applies to this great group of taxes. They are collected through the Internal Revenue Office in the Treasury Department. Direct taxes have been levied only five times by the National Government. Customs and internal revenue have always been its great resources.

384. Special Rules.—In levying taxes Congress must conform to several rules that the Constitution prescribes. All taxes must be uniform throughout the United States. In legislating on commerce and revenue, Congress must take care not to show a preference for the ports of one State over those of another State. Direct taxes, like Representatives, must be apportioned among the States according to population. And finally, no tax or duty can be laid on any article of commerce exported from any State.

385. Borrowing Money—Bonds.—Public expenditures cannot always be met at the time by the public revenues. It becomes necessary in emergencies for governments to borrow money and contract debts. Congress borrows money on the credit of the United States. The principal way in which it exercises this power is to sell bonds. These bonds are the promises or notes of the Government, agreeing to pay specified amounts at specified times at specified rates of interest. During the Civil War more than five billion dollars of such bonds were sold, many of them to replace others that were cancelled. At the present time a large amount of Government bonds is outstanding.

386. Treasury Notes.—Congress also authorizes the issue of Treasury notes, called by the Constitution “bills of credit.” They are paid out by the Treasury to meet the expenses of the Government, and while they continue to circulate they constitute a loan that the people who hold them have made to the Government. Such notes were occasionally issued before the Civil War, and since that event they have played a very important part in the history of the National finances. In 1862 Congress authorized the issuance of Treasury notes that should be a legal tender in the payment of all debts, public and private, except duties on imports and interest on the National debt. These notes were not payable on demand, or at any particular time; they did not bear interest, and were not for the time redeemable in gold or silver, which, since 1789, had been the only legal-tender currency of the country. In 1879 the Treasury, in obedience to a law enacted several years before, began to redeem these notes in gold on presentation, and it has continued to do so until the present time. Still they have never been retired from circulation, or been cancelled on redemption, but have been paid out by the Treasury the same as other money belonging to the government. They are popularly called “greenbacks.”

387. Commerce.—Congress has power to regulate commerce with foreign nations, among the States, and with the Indian tribes. The exclusive control of commerce by the States, under the Confederation, was a principal cause of the hopeless weakness of that government. (See Chap. XX.) It may indeed be said that the commercial necessities of the country, more than anything else, compelled the formation of the new Government in 1789. Tariff laws, or laws imposing duties on imported goods, are regulations of commerce, and so are laws

imposing tonnage duties, or duties on the carrying capacity of ships, and laws prescribing the manner in which the foreign trade of the country shall be carried on. The construction or improvement of harbors, the building of lighthouses, surveys of the coasts of the country, and laws in relation to emigration all come under the same head. In order the better to regulate commerce among the States, Congress created the Interstate Commerce Commission, and it has passed a law in relation to the subject of trusts. The Constitution lays down the rule relating to Interstate commerce that vessels bound to or from one State to another shall not be required to enter or clear, or to pay duties.

388. Naturalization.—All persons born or naturalized in the United States and subject to their jurisdiction are citizens of the United States, and of the State in which they reside. Citizenship, or the state of being a citizen, is membership in the state, or body politic. Congress has provided that a foreigner, unless he belongs to the Mongolian race, may become a citizen, or be naturalized, as the saying is, on his compliance with certain terms and conditions. A residence of five years is necessary. Two years before his admission to citizenship the alien must declare on oath, before a court of record, his intention to become a citizen. On the expiration of the two years, he must prove to this court, or some other one having the same jurisdiction, that he has resided in the United States at least five years, and in the State or Territory at least one year; that he is a man of good moral character; that he is attached to the Constitution, and that he is well disposed to the United States. He must also swear to support the Constitution, must renounce all allegiance to any foreign state or prince,

and lay aside any title of nobility that he has held. He then receives a certificate stating that he is a citizen of the United States, and he becomes entitled to all the rights of a native-born citizen, except that he can never be President or Vice-President. His wife and his children under twenty-one years of age also become citizens. All laws in relation to naturalization must be uniform. The States may confer political rights upon foreigners, as the right to own land and vote within the State, but they cannot confer citizenship.

389. Bankruptcies.—A person who is insolvent, or unable to pay his debts, is termed a bankrupt; and a law that divides the property of such person among his creditors and discharges him from legal obligation to make further payment, is termed a bankrupt law. Congress has power to pass uniform laws in relation to this subject. It has passed three such laws, one in 1800, one in 1840, and one in 1867. The last one was repealed in 1878. The States sometimes pass insolvent laws, having somewhat the same effect as bankrupt laws, but they are always subject to the National bankrupt law when there is one in force.

390. Coinage of the United States.—Congress coins money and regulates its value and the value of foreign coin circulating in the country. This power, taken in connection with other powers, enables Congress, if it chooses, to regulate the whole subject of money. At the present time the National mints are open to all persons for the coinage of gold. Depositors of standard gold are charged merely the value of the copper used in alloying the coin. The gold coins of the Government are the double-eagle, eagle, half-eagle, quarter-eagle, three-dollar piece, and one-dollar piece. These coins are legal tender in payment of all debts, public and

private.¹ Silver coins of small denomination only are now struck at the mints, and exclusively on account of the Government. These coins are the half-dollar, quarter-dollar, and dime, which are legal tender for debts not exceeding five dollars. The Government also strikes coins of base metal for small change; the five-cent piece and the one-cent piece, which are legal tender in sums not exceeding twenty-five cents. At different times still other coins have been struck, and some of them are still in circulation. Mention may be made of the dollar, the trade dollar, the two-cent piece, and the half-dime.

391. The Silver Dollar.—The silver dollar was the original money-unit of the United States. It was coined, though never in very large quantities, from the founding of the mint in 1792 until 1873, when it was dropped from the list of legal coins. This fact is expressed in the phrase, “silver was demonetized.” The minor silver coins, however, were produced as before. Congress also authorized for several years a new coin, called the trade dollar. In 1878 Congress restored the old silver dollar to the list of authorized coins, and instructed the Secretary of the Treasury to purchase silver bullion for the Government and to coin it into dollars, not less than \$2,000,000, nor more than \$4,000,000, a month. These dollars were also made a legal tender. In 1890 Congress passed a further act instructing the Secretary to purchase 4,500,000 ounces of silver a month on Government account, as before, and to coin it after July, 1891, at his discretion. In 1893 Congress repealed the purchase clause of the previous act, and the further

¹ Legal-tender money is money with which a debtor can legally pay a debt; that is, if he offers or tenders this money to his creditor, and his creditor refuses to take it, he is not obliged to make other payment.

coinage of silver dollars was discontinued. At no time since 1873 have private persons been permitted to deposit silver at the mints for coinage.

392. Fineness and Weight of Coins and Ratio of Metals.—The gold and silver coins of the United States are nine-tenths fine; that is, nine parts of the coins are pure metal and one part is alloy. This is called standard metal. Since 1834, the gold dollar has contained 23.2 grs. of pure metal and 25.8 grs. of standard metal. Since 1792 the silver dollar has contained $371\frac{1}{4}$ grs. of pure metal, and since 1837, $412\frac{1}{2}$ grs. of standard metal. It is common to call the last named coin the $412\frac{1}{2}$ gr. dollar. The amount of pure silver in a dollar's worth of the minor coins is 345.6 grs., and of standard silver 384 grs. The ratio of the gold dollar to the silver dollar is popularly said to be 1 to 16. Exactly it is 1 to 15.988. This has been the legal ratio since 1834. When it was established Congress assumed that 16 grs. of silver (nearly so) were equal to one grain of gold in value.

393. Gold and Silver Certificates.—To dispense with the necessity of handling so much metallic money, Congress has provided for the issuance of gold and silver certificates. One of these certificates is simply a statement that in consequence of the deposit of — dollars of gold or silver, as the case may be, in the Treasury, the Government will pay the holder of the certificate the corresponding amount. These certificates pass as money, but are not a legal tender.

394. Counterfeiting.—Congress provides by law for punishing counterfeiting the coin and securities of the United States, its notes, bonds, etc. The term counterfeiting includes (1) manufacturing or forging coins or paper securities; (2) putting forged coins or securities in circulation; and (3) having them in possession for

that purpose. A person guilty of any one of these three offenses is punishable on conviction by a fine of not more than \$5,000 and by imprisonment at hard labor for not more than ten years. Counterfeiting the notes of the National banks, letters patent, money orders, postal cards, stamped envelopes, etc., is punishable by severe penalties; as is also counterfeiting the coins and securities of foreign governments.

395. The Independent Treasury.—Previous to 1846, save for a short period, the Government had no treasury of its own, but kept its money in the banks and checked it out as it had occasion. In the year named a treasury was established in the Treasury Building at Washington, provided with rooms, vaults, and safes, and a Treasurer was appointed. Subtreasuries were also established in the principal cities of the country and put in charge of officers known as Subtreasurers. Subtreasuries are now to be found in New York, Boston, Charleston, Philadelphia, Baltimore, Cincinnati, Chicago, St. Louis, and San Francisco.

396. The National Banks.—In 1863 and 1864 Congress provided for the creation of the present system of National banks, which have played so important a part in the business of the country. These banks are directly managed by boards of directors chosen by their stockholders, but they are supervised by the Comptroller of the Treasury, whose office is established in the Treasury Department. Their notes or bills, which are fully secured by National bonds belonging to the banks that are deposited in the office of the Comptroller at Washington, constitute a National currency.

397. Weights and Measures.—Congress has power to fix the standard of weights and measures, but has never fully exercised the power. In general the standards in

use are the same as those in use in England. The English brass Troy pound is the legal Troy pound at the mints, while the Imperial avoirdupois pound and the wine gallon rest upon usage. Congress has authorized the use of the metric system of weights and measures, but has not made it compulsory.

398. The Postal Service.—Congress has created the vast postal system of the country, the cost of which in the year 1894 was more than \$84,000,000. The mails are carried by contractors. Postmasters paid \$1,000 or more a year are appointed by the President for a term of four years; all others by the Postmaster-General at his pleasure. A great majority of the postmasters do not receive regular salaries, but a percentage on the income of their offices. Towns having gross post-office receipts of \$10,000 or more have free mail delivery by letter-carriers. In towns of 4,000 inhabitants or more letters bearing a special 10-cent stamp are delivered by a special carrier immediately on their receipt. Letters may also be registered to secure their greater safety in delivery on payment of a 10-cent fee. Money orders are also sold by certain post-offices called money-order offices, which to a limited extent take the place of money in the transaction of business.

399. Rates of Postage.—There are four classes of domestic mail matter bearing different rates of postage. All postage must be pre-paid in the form of stamps.

1. Letters, postal cards, and other written matter, and all packages that are closed to inspection. Save on postal cards and drop letters mailed at non-delivery offices, the rate is two cents an ounce or fraction of an ounce.

2. Periodicals, magazines, etc. The rate on matter of this class when sent from a registered publishing

office, or a news agency, is one cent a pound; when sent otherwise, it is one cent for every four ounces.

3. Books, authors' copy accompanying proof-sheets, etc., are charged one cent for two ounces or fraction of the same.

4. Merchandise limited to 4-pound packages is charged one cent an ounce.

400. Copyrights and Patent Rights.—For promoting science and the arts, Congress provides that authors may copyright their works and inventors patent their inventions for limited times. The author of a book, chart, engraving, etc., by means of a copyright, enjoys the sole liberty of printing, publishing, and selling the same for twenty-eight years, and on the expiration of this time he, if living, or his wife or his children if he be dead, may have the right continued fourteen years longer. An inventor also, by means of letters patent, enjoys the exclusive right to manufacture and sell his invention for seventeen years, and on the expiration of that period the Commissioner of Patents may extend the right, if he thinks the invention sufficiently meritorious. Copyrights are obtained from the head of the Library of Congress, patent rights from the head of the Patent Office, both at Washington. The cost of a copyright is one dollar and two copies of the book or other work. The cost of a patent right is \$35.00. Every article that is copyrighted or patented must be appropriately marked.

401. Piracies and Felonies.—Congress defines the punishment of piracies and felonies on the high seas, and offenses against the Law of Nations. In a general sense piracy is robbery or forcible depredation of property on the seas, but Congress has by law declared some other acts, as engaging in the slave trade, to be piracy.

Felonies, strictly speaking, are crimes punishable by death. The Law of Nations is a body of rules and regulations that civilized nations observe in their intercourse one with another. The high seas are the main sea or ocean below low-water mark. The line limiting it is arbitrarily fixed at one marine league from the shore.

402. Powers of Congress in Relation to War.—

Congress has the power to declare war, which in monarchical countries is lodged in the Crown. It raises and supports armies. It provides a navy. It makes rules for the government of the army and navy. It provides for calling out the militia of the States to execute the laws of the Union, to suppress insurrection, and repel invasion. It provides for organizing, arming, and disciplining the militia, and for the government of such of them as may be called into the service of the United States; but the States have authority to appoint the officers and to train the militia according to the discipline that Congress has prescribed. These powers are very far-reaching. Acting under the laws of Congress, President Lincoln, in the course of the Civil War, called into the service of the Union fully 3,000,000 men. A navy counting hundreds of vessels was also built. At present the army consists of 25,000 officers and enlisted men. The navy consists of 38 vessels in commission for sea service. At present the highest title in the army is General, the highest in the navy Rear-Admiral. The soldiers of the United States are divided into the regular troops and the militia. The former are in constant service; the latter are the citizen soldiery enrolled and organized for discipline and called into service only in emergencies. In the fullest sense of the word, the militia are the able-bodied male citizens of the States

between the ages of eighteen and forty-five. The President cannot call them into active service for a longer period than nine months in any one year. In service, they are paid the same as the regular troops.

403. The Federal District.—Previous to 1789 the United States had no fixed seat of government, and Congress sat at several different places. The resulting evils led the Convention of 1787 to authorize Congress to exercise an exclusive legislation over a district, not more than ten miles square, that particular States might cede and Congress might accept for a capital. The cession of Maryland and the acceptance of Congress made the District of Columbia the Federal District, and an act of Congress made Washington the Capital of the Union. The various branches of the Government were established there in 1800. The District is now governed by a board of three commissioners, two appointed by the President and Senate, and one an engineer of the army who is detailed by the President for that purpose. Congress pays one-half the cost of government, the people of the District the other half. Congress also has jurisdiction over places within the States that have been purchased for forts, arsenals, magazines, dock-yards, and other needful public buildings.

404. Necessary Laws.—It must be borne in mind that the government of the United States is a government of delegated powers. Still these powers are not all expressly delegated. There are powers delegated by implication, as well as powers delegated in words. Congress is expressly authorized to make all laws that are necessary for carrying into effect the powers that have been described above, and all other powers that the Constitution vests in the Government of the United States, or any department or officer of that Government.

Congress improves harbors, erects lighthouses, builds post-offices and custom houses, and does a thousand other things that are not particularly named in the Constitution, because in its judgment they are necessary to the execution of powers that are particularly named. The power to establish post-roads and post-offices, for example, or to create courts, involves the power to build buildings suitable for these purposes. This is known as the doctrine of implied powers.

Looking over the general powers of legislation that are vested in Congress, described above, we see how necessary they are to a strong and efficient government. They are the master power, the driving force, of our whole National system. If these eighteen clauses were cut out of the Constitution, that system would be like a steamship without an engine.

CHAPTER XXXVIII.

ELECTION OF THE PRESIDENT AND THE VICE-PRESIDENT.

The American Government. Sections 446-474.

It is the business of the Executive Department of the Government to enforce the laws that the Legislative Department makes. Government in a free country begins with law-making, but it ends with law-enforcing. We are now to examine in two or three chapters the National Executive.

405. The Presidency.—Congress consists of two Houses, and each house consists of many members, but the Executive office is single, entrusted to one person. The Constitution vests the executive power in the President of the United States. This difference is due to the nature of the things to be done. Legislation demands varied knowledge, comparison of views, and deliberation. Administration calls for vigor, unity of purpose, and singleness of responsibility. The burden of National administration is imposed upon the shoulders of one man.

406. Presidential Electors.—The President and the Vice-President are elected by Electors appointed for that purpose. Each State appoints, in such manner as its Legislature may determine, a number of Electors equal to the whole number of its Senators and Representatives in Congress. Early in the history of the Government, different modes of appointing Electors were followed. Since the Civil War, with a single exception, there has been only one mode. All the States now proceed in the same way. This is to submit the question to

the people of the States at a popular election. With this point clearly in mind, we shall go forward to describe the whole series of steps that are taken in electing the President and the Vice-President of the United States.

407. Presidential Nominations.—Government in the United States, as in other free countries, is carried on by means of political parties. These party organizations desire to elect the President and control the Government. They hold National conventions, generally in the period June–August of the year before a President is to take his seat, to nominate candidates for President and Vice-President, and to adopt a statement of party doctrines or principles called a platform. These conventions are constituted under fixed rules, and are convoked by National committees. The Republican and Democratic conventions consist each of four delegates-at-large from every State, and twice as many district delegates as the State has members in the House of Representatives. As a rule the delegates-at-large are appointed by State party conventions, and the district delegates by district conventions. In the Republican convention a majority vote suffices to nominate candidates; in the Democratic convention the rule is two-thirds.

408. Electoral Tickets.—The next step is to make up the State Electoral tickets. First, State conventions name two Electors for the State called Electors-at-large, or Senatorial Electors. The conventions that name the delegates-at-large to the National conventions may, and often do, name also the candidates for Electors-at-large. Next district Electors are put in nomination, one from a Congressional district, generally by district conventions. The names of the candidates put in nomination by a given party brought together constitute the State

party ticket. No Senator or Representative, or other person holding an office of trust or profit under the United States, can be appointed an Elector.

The two steps that have been described belong wholly to the field of voluntary political action. The Constitution and the laws have nothing whatever to do with them.

409. Choice of Electors.—Congress fixes the day upon which the Electors are chosen. It is the same in all States, Tuesday following the first Monday of November, the day on which members of the House of Representatives are generally elected. Persons who may vote for State officers and for Representatives may also vote for Electors. State officers conduct the election, and the Governor gives the successful candidates their certificates of election. The appointment of the Electors is popularly called the Presidential election. It is so in fact but not in law. In point of law the people do not elect the President and the Vice President, but only Electors who elect them. In point of fact, as we shall soon see, they do both. All that the National authority has done up to this point is to fix the time of the appointment of Electors. Hereafter that authority directs every step in the process.

410. Meeting of the Electors.—On the second Monday of January, following their appointment, the Electors meet at their respective State capitals to vote for President and Vice-President. They name in their ballots the person for whom they vote as President, and in distinct ballots the person for whom they vote as Vice-President. No Elector can vote for persons for both offices from the same State that he himself resides in: one at least of the two candidates must belong to another State. The voting over, the Electors make distinct lists

of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they sign, certify, and seal. Three copies of these lists are made. Two of them they send to Washington addressed to the President of the Senate, one by mail and one by a special messenger. The other copy they deliver to the Judge of the United States District Court for the district in which they meet and vote. Congress by law names the day on which the Electors give their votes, and it must be uniform throughout the Union. The casting of their ballots by the Electors is the formal but not the real Presidential election.

411. Counting the Electoral Votes.—On the second Wednesday of February, the day named by Congress, the Senate and the House of Representatives meet in the hall of the House to witness the counting of the Electoral votes. The President of the Senate presides, the Speaker of the House sitting by his side. He opens the certificates of votes and hands them to tellers appointed by the Houses, who read and count the votes. The President of the Senate declares the result. The person having the greatest number of votes cast for President, if a majority of all, is declared President; the person having the greatest number of votes for Vice-President, if a majority of all, is declared Vice-President.

412. Election of the President by the House.—If no person has received for President the votes of a majority of all the Electors appointed, the House of Representatives must immediately choose the President from the three candidates who have had the most votes for that office. This election is by ballot. The votes are taken by States, the Representatives from a State having one vote. Nevada balances New York, Delaware Pennsylvania. A quorum to conduct the election consists of a member

or members from two-thirds of the States, and a majority of all the States is necessary to a choice. Twice has the House of Representatives chosen the President, Thomas Jefferson in 1801 and John Quincy Adams in 1825. Both of these elections were attended by great excitement.

If the House fails to choose a President, when the choice devolves upon that body, by March 4 following, then the Vice-President acts as in the case of death, removal, or resignation of the President.

413. Election of the Vice-President by the Senate.—If no person voted for as Vice-President has a majority of all the Electors appointed, then the Senate shall choose to that office one of the two candidates standing highest on the list of candidates for the Vice-Presidency. A quorum for this purpose consists of two-thirds of the whole number of Senators, and a majority of all the Senators is necessary to a choice.

414. Miscellaneous Provisions.—The Electors appointed from a State are often called a college; the Electors from all the States the Electoral colleges. Most of the States have empowered their colleges to fill vacancies that may occur in their number. In 1887 Congress passed an act to provide for and regulate the counting of votes for President and Vice-President, and the decision of questions arising thereon. This law gives the States jurisdiction over disputed appointments of Electors. It also prescribes the method of proceeding when plural returns are made from any State and in cases where objections are made to a single return.¹

¹ The method of electing President and Vice-President outlined above, is that prescribed by the Constitution as originally framed, together with the Twelfth Amendment. For the change introduced by this Amendment, see the Amendment in connection with Article II, section 1, clause 3, of the Constitution at first framed

415. The Electoral System.—When the framers of the Constitution devised the method of election by means of Electoral colleges, they assumed that the Electors would be picked bodies of men, who would vote for the best men for President and Vice-President, regardless of popular feeling and private interest. It may be said that in the case of Washington the plan worked as they expected, but since his second administration it has never done so. No other part of the Constitution has proved so disappointing as the method of electing the President. In 1804 the Constitution was amended to correct evils that had declared themselves in the election of 1800; but the Twelfth Amendment, while accomplishing its immediate purpose, did not prevent the whole plan becoming a miserable failure. The men of 1787 did not foresee the part that politics and political parties would play in American affairs. As we have seen, the President and Vice-President are really named by one of the two great political conventions. The Electors are not chosen to exercise their own best judgment, but to cast their ballots for the party candidates. When once elected, the Electors are not legally bound to vote for these candidates, for the Constitution and laws make no mention of parties and conventions; but they are bound as party men and as men of honor, for they have consented to be elected on this understanding. As the system works, they have no free will whatever, and practically the Electoral colleges are pieces of useless political machinery.

CHAPTER XXXIX.

THE PRESIDENT'S QUALIFICATIONS, TERM, AND REMOVAL.

The American Government. Sections 450; 476-482.

416. Qualifications.—The President must be a native-born citizen of the United States. He must have attained the age of thirty-five years, and have been a resident of the country fourteen years at the time of his election. The Vice-President must have the same qualifications as the President.

417. Length of Term.—The term of office of both the President and the Vice-President is four years, and the two officers are eligible to successive re-elections. It has often been contended that it would be better to give the President a term of six or seven years, and then make him ineligible to a second election.

418. The President's Salary.—This is fixed by Congress. From 1789 to 1873 it was \$25,000 a year; since 1873 it has been \$50,000. Congress also provides the President the furnished house known as the White House for an official residence. The President's salary can neither be increased nor diminished after he has entered on the duties of his office. The first of these two prohibitions makes it impossible for him to enter into bargains with members of Congress, whereby they shall receive something that they deem desirable, at the same time that his compensation is increased. The second prohibition makes it impossible for Congress to reduce his compensation, and so to make the President its dependent or creature. All changes in the salary must therefore be prospective. Still further, the President cannot, during

his continuance in office, receive any other public emolument than his salary such as a gift or present from the United States or from any State. The salary of the Vice-President is \$8,000.

419. The President's Oath. — Before entering on the duties of his office, the President must take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States." This oath is in general a definition of the President's duties. He is exclusively an executive officer. The occasion on which the President takes this oath is popularly called his inauguration, and is marked by a good deal of parade and ceremony. The custom now is to conduct the inauguration on the East Front of the Capitol at Washington. The Chief Justice administers the oath, and the President delivers an address called his inaugural address. With the exception of the oath, none of these ceremonies are required by the Constitution or the laws, and they might be dispensed with. It is also customary for the Vice-President to take his oath in the Senate Chamber and to deliver a short speech to the Senators.

420. The Vice-President. — The only reason for creating the office of Vice-President was to have a proper officer at hand who could succeed to the Presidency in the case of a vacancy. The Vice-President becomes President when the President is removed, dies, resigns, or is unable to discharge the powers and duties of his office. The President can be removed only by conviction on impeachment. If he resigns he must file his resignation in writing in the office of the Secretary of State. Just what inability to discharge the duties of his office is, has never

been settled. President Garfield performed but one executive act from July 2, 1891, to his death, which occurred September 19 following. It was much discussed at the time whether a case of inability had arisen, but with no practical results. Four Vice-Presidents have become Presidents by succeeding to the office. When the Vice-President becomes President, he succeeds to all the powers, dignities, responsibilities, and duties of the office for the unexpired portion of the term and ceases to be Vice-President. The Constitution provides that the Vice-President shall be the President of the Senate, but this is merely for the purpose of giving dignity and consequence to an officer who, for the most part, would otherwise have nothing to do.

421. The Presidential Succession. — Who shall succeed to the Chief Executive office in case both the President and Vice-President die, resign, are removed, or are unable to perform the duties of the office? The Constitution says that Congress shall by law provide for such a case, declaring what officer shall act as President until the disability be removed or a President be elected. The present law, which dates from 1886, declares that first the Secretary of State shall succeed, then the Secretary of the Treasury in case of his death, removal, etc.; afterwards the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, and the Secretary of the Interior in this order. No one of these officers, however, can succeed unless he has been confirmed by the Senate and has all the qualifications that are required of the President. If one of them succeeds he fills the unexpired portion of the term the same as the Vice-President. However, a case of the removal, etc., of both the President and the Vice-President has never yet occurred.

CHAPTER XL.

THE PRESIDENT'S POWERS AND DUTIES.

The American Government. Sections 483-511.

As is remarked in another place, the oath that the President takes on his inauguration is a general definition of his duties. Still the Constitution declares further that he shall take care that the laws be faithfully executed, and shall commission all officers of the United States. More than this, it describes his duties with more or less detail.

422. *Army and Navy.*—The President is commander-in-chief of the army and navy of the United States, and of the Militia of the States also when they are called into the National service. The effective control of the National forces requires unity of judgment, decision, and responsibility. It is obvious that a congress or a cabinet would be a very poor body to place at the head of an army. The power entrusted to the President is a great one, but he cannot well abuse it so long as Congress alone can declare war, raise and support the army, provide the navy, make rules for the government of the military and naval forces, and provide by law under what conditions the President may call out the militia. The President delegates to chosen officers his authority to command the army and the navy in actual service.

423. *The Pardoning Power.*—Power to try, convict, and pass judgment upon persons charged with crimes and offenses under the laws of the United States is lodged in the courts alone. But courts sometimes commit mis-

takes, and sometimes special circumstances arise that make it proper to exercise clemency towards persons who are undergoing punishment for crime. So the President, like the executive magistrates of all civilized states, is clothed with power to act in such cases. The President has power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment. A reprieve is a temporary suspension of a sentence. A pardon is a full release from it. The President cannot interfere in any case until a court has pronounced a judgment.

424. Treaties.—A treaty is a solemn engagement or contract entered into between two or more sovereign or independent states. They relate to such subjects as commerce and trade, the rights of citizens of one country in the other, etc. Treaties also deal with the graver subjects of peace and war. The power to enter into a treaty properly belongs to the executive branch of government, as dispatch, secrecy, and unity of purpose are called for. As it might be dangerous in a republic to lodge the power exclusively in the Executive's hands, it is provided that the President, by and with the advice and consent of the Senate, shall have power to make treaties with foreign states.

425. Mode of Making a Treaty.—Commonly the steps that are taken are the following: First, the treaty is negotiated or agreed upon by the powers. The negotiation is conducted on the part of our Government by the Secretary of State, a minister residing at a foreign capital, or a minister or commissioner appointed for the purpose. The President, acting through the Department of State, directs the general course of the negotiation. Secondly, the treaty, when it has been negotiated, is wholly in the President's hands. If he disapproves

of it, he may throw it aside altogether. If he approves it, or is in doubt whether he should approve it or not, he submits it to the Senate for its advice. Thirdly, the treaty is now wholly in the Senate's hands, except that the President may at any time that he chooses withdraw it from the Senate's further consideration. The Senate may approve or disapprove the treaty as a whole, it may propose amendments, or it may refuse to act at all. If the Senate amends the treaty it is practically a new one, and both the President and the foreign power must assent to it in its new form. The fourth step is an exchange of ratifications. This is a formal act by which the powers concerned signify that all the steps required to make the treaty binding have been taken. Finally, the President publishes the treaty and by proclamation declares it to be a part of the law of the land. The Senate considers treaties in executive session, and its advice and consent in most cases is merely approval or disapproval of what the President has done. A two-thirds vote of the Senate is necessary for the ratification of a treaty.

426. Appointment of Officers.—The President nominates, and by and with the advice and consent of the Senate, appoints ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States that are provided for by law, unless the Constitution itself provides for them. Congress may, however, place the appointment of such inferior officers as it thinks proper in the President alone, in the heads of Departments, and in the courts. The President appoints his private secretary and clerks. The appointment of a somewhat larger number of officers is placed in the courts, while the appointment of a very great number is vested in the heads of the Executive

Departments. Thus, the appointment of all postmasters whose salary is less than \$1,000 is placed in the hands of the Postmaster-General. When all these exceptions have been made, a large number of appointments still remains to be made by the President and the Senate.

427. Mode of Appointment.—The first step to be taken in filling an office is for the President to make a nomination in writing to the Senate, specifying the office and naming the officer. The Senate refers the nomination to its proper committee, as of a judge to the Committee on the Judiciary, or of a foreign minister or consul to the Committee on Foreign Relations. The committee investigates the subject and reports the nomination back to the Senate, either with or without a recommendation that the nomination be confirmed. The Senate then grants or withholds its confirmation, as it is called. The Senate acts in such a case, as in the case of treaties, in executive session. If the Senate refuses to confirm, the President makes a second nomination, and so on until the place is filled. The Senate sometimes refuses to confirm a nomination if the Senators from the State where the office is, or one of them, objects to it. This is especially the case when the Senator or Senators belong to the political party that for the time has a majority of the body. This custom, which is wholly without support of law, is known as the courtesy of the Senate.

428. Ambassadors and Other Public Ministers.—Public ministers are representatives that one state or nation sends to another to look after its interests. Ambassadors are the highest rank of ministers. The other grades are envoys extraordinary or ministers plenipotentiary, ministers-resident, commissioners, and *chargés d'affaires*. The United States now have ambassadors at the capitals of England, France, Germany, and Italy, and represent-

atives of inferior grade at many other capitals. The salaries paid these representatives, who are collectively called the diplomatic service, range from \$5,000 to \$17,500. The duties and rights of ministers are defined by the Law of Nations, called also International Law.

429. Receiving Ministers.—It is the duty of the President to receive ambassadors and other public ministers sent by foreign powers to our Government. This ceremony involves the recognition of the power from which the minister comes, and also his own recognition as a man acceptable to the United States. The President can refuse to receive a minister because he is personally objectionable, and can dismiss him for the same reason.

430. Consuls.—The duties of consuls are fixed by treaties and by the municipal law of the nation appointing them. In general it may be said that they look after the commercial interests of the country at large, and assist their countrymen in obtaining commercial rights and privileges. They also perform many other duties. They are business agents and do not rank as ministers. Sometimes, however, diplomatic duties are entrusted to them. A consul-general exercises supervision over the consuls of his country within the country to which he is sent, or within some designated portion of it. The President appoints about 30 consuls-general and about 300 consuls. The highest consular salary is \$6,000. Many consuls receive their compensation in the form of fees.

431. Military and Naval Officers.—Unless otherwise provided by law, military and naval officers are appointed in the same manner as civil officers. Still the President, as commander-in-chief, has exclusive control of the commands to which they are assigned. He assigns officers to their places of duty, and removes them for what he deems sufficient reasons. Since 1866 the law

has been that no officer in the military or naval service shall, in time of peace, be dismissed from service except upon, and in pursuance of, the sentence of a court-martial, or in commutation thereof.

432. Removal from Office.—The President has the power of removal as well as of appointment. When the Senate is in session a removal is made in the following way: The President sends to the Senate a nomination, just as though the office were not already filled. If the Senate confirms this nomination, the President then commissions the officer and he enters upon the duties of his office. The former incumbent holds the office until the last of these steps has been taken. If the Senate refuses to confirm, the President must send in a second nomination or allow the incumbent to remain undisturbed. In a recess of the Senate a removal is made in a somewhat simpler way. The President now appoints directly, and at the same time gives the appointee his commission, who enters upon his office at once. When the Senate meets at its next session, the President must send to that body, for its action, the name of the appointee. If the Senate confirms the nomination, that is the end of the matter. If it refuses to confirm, the President must then make a second nomination. In either case the removal of the former incumbent is final and absolute.

433. Vacancies.—When a vacancy in any office occurs while the Senate is in session, the President makes a nomination, and matters proceed just as explained in the last paragraph. When the vacancy occurs in a recess of the Senate, the President appoints and commissions the officer, and the Senate acts on the nomination at its next session just as in the case of a removal made in the recess.

434. The Civil Service.—The persons who serve the Government in civil or non-military capacities are collectively called the civil service. They are divided into two classes called officers and employés. The two classes are not separated by any consistent rule or practice. Officers, who are much inferior in numbers to employés, are appointed and removed. Employés are employed and discharged, not appointed and removed. Laborers in the navy yards, arsenals, and the like are employés; so are many persons in continued service at custom houses and in other offices as well as many clerks. In 1893 the civil service consisted of about 200,000 persons. Of these 69,000 were postmasters and 40,000 others served in the Post-office Department. Twenty-two thousand were workmen. The others were distributed among the other Departments of the Government.

435. Civil Service Reform.—Until a short time ago it was the custom for the President and others who were clothed with the appointing power to make appointments and removals of officers for political reasons. The same practice prevailed also in respect to employés. On a change of the administration, and especially when it involved a change of party, great numbers of officers and employés would be removed or discharged to make room for others. A Democratic administration was expected to turn out the Republicans, and a Republican administration to turn out the Democrats. This was called the spoils system. Soon after the Civil War the civil service began to attract the attention of the country. Men saw that the spoils system was accompanied by great abuses and corruption. In 1882 an act was passed under which the service has been materially reformed. This act does not apply to any office where the joint action of the President and

Senate is required to make an appointment. It provides that in the Departments at Washington, and in custom-houses and post-offices where as many as fifty clerks are employed, appointments shall be made by reason of merit or fitness. Competitive examinations are held, and when a new appointment is to be made in any Department or office, as to fill a vacancy, it must be filled from the four persons standing highest on the list of those who have passed the examinations. This is called the eligible list. Every State or Territory is entitled to its fair share of the appointments, and no person can be finally appointed until he has served a probation of six months. This is called the merit system. The President, in the exercise of his discretion as the executive head of the Government, has extended this system to many classes of officers and employés that the law does not in terms include. Mention may be made of the Government Printing Office and of the Postal Railway Service.

436. The President's Message.--The President is required to give Congress information of the state of the Union from time to time, and to recommend to its consideration such measures as, in his judgment, are necessary and expedient for the good of the country. At the opening of each session of Congress, he sends to the Houses a written communication that is styled a message, conveying such information and making such recommendations. He also sends in from time to time special messages, conveying special information or recommendations as occasion requires. The communications in which the President makes nominations, transmits treaties to the Senate, and assigns his reasons for refusing to sign bills are also known as messages. The heads of the several Departments make

annual reports to the President, and these the President transmits at the same time that he sends in his annual message. Collectively they are called the Executive Documents.

437. Special Sessions of Congress.—The President, on extraordinary occasions, may call the Houses of Congress together in special session. In such cases he transmits a message explaining why he does so, and recommending such action as he thinks necessary to be taken. He may also convene either House of Congress alone, and it is the custom for the President, just before retiring from office, to issue a proclamation calling the Senate together immediately following the inauguration of his successor. This gives the new President an opportunity to nominate his Cabinet and such other officers as he thinks important to appoint at that time. No President has ever found it necessary to call the House of Representatives by itself.

CHAPTER XLI.

THE EXECUTIVE DEPARTMENTS.

The American Government. Sections 511-524.

The executive business of the Government is transacted through the eight Executive Departments, that Congress has by law created. The President's office in the White House exists only for his personal convenience and is not an office of record. All the public records are kept in the Departments through which the business is transacted. The Departments are established in Government buildings in Washington. The names of the Departments, with the dates of their establishment, are as follows: State, Treasury, War, Justice, formerly called the Office of the Attorney General, and Post-Office, 1789; Navy, 1798; Interior, 1849, and Agriculture, 1889. The heads of these Departments all receive the same salary, \$8,000 a year.

438. Department of State.—At the head of this Department stands the Secretary of State, who is considered the head of the Cabinet. There are also three Assistant Secretaries of State. Under the direction of the President, the Secretary conducts the foreign and diplomatic business of the country. The originals of all treaties, laws, and foreign correspondence are in his custody. He also has in his possession the seal of the United States, and affixes it to public documents that require it, and also authenticates the President's proclamations with his signature. The business of the Department is conducted through various bureaus, such as Archives

and Statistics, the Diplomatic, and the Consular Bureaus, etc.

439. Department of the Treasury.—The Secretary of the Treasury proposes plans for the public revenues and credit, prescribes the manner of keeping the public accounts, superintends the collection of the revenue, issues warrants for the payment of moneys appropriated by Congress, and makes an annual report of the state of the finances. The several auditors of the Department examine the accounts of the different branches of the public service; the comptrollers certify the results to the Register, who has charge of the accounts and is the National book keeper. The Treasurer has the moneys of the Government in his custody, receiving and disbursing them. The Commissioner of Customs looks after the customs, the Comptroller of the Currency after the National Banks, and the Commissioner of Internal Revenue after that part of the public service. There are also directors of the Mint, of Statistics, and of Printing. The head of the Department is assisted by three Assistant Secretaries.

440. Department of War.—The Secretary of War directs the military affairs of the Government. He has charge of the army records, superintends the purchase of military supplies, directs army transportation and the distribution of stores, has the oversight of the signal service and the improvement of rivers and harbors, and looks after the supply of arms and munitions of war. The Department contains ten bureaus: The offices of the Adjutant, Quartermaster, Commissary, Paymaster, and Surgeon Generals, the Chief of Engineers, the Ordnance and Signal Office, the Bureau of Military Justice, and the Military Academy at West Point. There is also an Assistant Secretary of War.

441. Department of Justice.—The head of this Department is the Attorney-General, who is the responsible adviser of the President and the heads of the other Executive Departments on matters of law. He and his assistants look after the interests of the Government in the courts, prosecuting or defending law suits to which the United States are a party, and passing upon the titles of all lands purchased by the Government for forts or public buildings. There are in the Department a Solicitor General, four Assistant Attorney-Generals, two Solicitors of the Treasury, a Solicitor of Internal Revenue, a naval Solicitor, and an Examiner of Claims for the Department of State. The District Attorneys in the different judicial districts are also under the direction of the Attorney-General.

442. Post-Office Department.—Subject to the President, the Postmaster-General is the head of the vast postal service of the country. He has a larger number of subordinates than all the other heads of Departments together. The First Assistant Postmaster-General has charge of salaries and allowances, free delivery, money-orders, dead letters, and correspondence. The Second Assistant has charge of the transportation of mails, including contracts, inspection, railway adjustments, mail equipment, railway mail service, and foreign mails. The Third Assistant has general charge of the finances of the department, including accounts and drafts, postage stamps and stamped envelopes, registered letters and classification of mail matter, special delivery and official files and indexes. The Fourth Assistant has general charge of appointments, including bonds and commissions, appointment of post-office inspectors, depredations on the mails, and violations of the postal laws.

443. Department of the Navy.—The Secretary of the Navy stands to this Department in the same relation that the Secretary of War stands to the War Department. There is one Assistant Secretary. The several bureaus of the department are: Yards and Docks, Equipment and Recruiting, Navigation, Ordnance, Medicine and Surgery, Provisions and Clothing, Steam Engineering, Construction and Repairs. The Military Academy at Annapolis is also subject to the Secretary of the Navy.

444. Department of the Interior.—The business intrusted to the Department of the Interior is much more miscellaneous and diversified in character than that intrusted to any other Department. The Secretary has general oversight of the Patent Office, Census Office, General Land Office, and Pension Office, Indian affairs, Public Buildings, and the Bureau of Education. The most extensive of these subordinate offices is that of Pensions, which disburses \$140,000,000 annually. The Commissioner of Education collects facts and statistics in regard to education and publishes them in an annual report. There are two Assistant Secretaries of the Interior.

445. Department of Agriculture.—It is the duty of the Secretary of Agriculture to diffuse among the people useful information on the subject of agriculture, in the most general and comprehensive sense of that term. He has the supervision of all quarantine regulations for the detention and examination of cattle exported and imported that may be subject to contagious diseases. The Weather Bureau, over which "Old Probabilities" presides, is in this Department. There is one Assistant Secretary.

446. The Cabinet.—The heads of the eight Departments constitute what is called the Cabinet. This name, however, is a popular and not a legal one. The

law creates the Departments and defines the duties of their heads. The Constitution empowers the President to call for the opinions in writing of these officers on matters relating to their several duties. The heads of Departments are responsible to the country so far as their duties are defined by law; for the rest they are responsible to the President. They meet frequently with the President to discuss public business. The President defers more or less, as he pleases, to the views that they offer, as he does to the views that they expressed singly in writing or in conversation, but the Cabinet as such has no legal existence and is not responsible. No official record is made of its meetings. The Constitution makes the President alone accountable for the faithful execution of the laws. Heads of Departments hold their offices subject to the President's will; but he holds, with exceptions given, four years.¹

¹ See the Cabinet and the President's responsibility. See *The American Government*, paragraphs 522, 523, 524, and *Note*.

CHAPTER XLII.

THE JUDICIAL DEPARTMENT.

The American Government. Sections 525-577.

The third of the independent branches of the Government of the United States created by the Constitution is the Judiciary. Its functions and organization will now be described.

447. Judicial Power Defined.—It is the business of the judiciary to interpret the law and apply it to the ordinary affairs of life. The judiciary does not make the law, but it declares what is law and what is not. This it does in the trial of cases, popularly called lawsuits. A case is some subject of controversy on which the judicial power can act when it has been submitted in the manner prescribed by law. It is particularly to be noted that the judicial power is strictly limited to the trial and determination of cases. Some cases involve questions of law, some questions of fact, some questions of both fact and law, and all come within the scope of the judicial power. A court is a particular organization of judicial power for the trial and determination of cases at law.

448. Vesting the Judicial Power.—The judicial power of the United States is vested in one Supreme Court and in such inferior courts as Congress sees fit to ordain and establish. The Constitution thus creates the Supreme Court, and it also provides that its head shall be the Chief Justice of the United States. At the present time the inferior courts are the District Court, the Circuit Court, the Circuit Court of Appeals, the

Court of Claims, and the Courts of the District of Columbia and the Territories.

449. Extent of the Judicial Power.—The judicial power is co-extensive with the sphere of the National Government. It embraces all cases that may arise under the Constitution and the laws of the United States, and the treaties entered into with foreign nations. It includes all cases affecting ambassadors, other public ministers, and consuls; all cases of admiralty and maritime jurisprudence; cases to which the United States are a party; cases that arise between two or more States, or between a State and foreign states; cases between citizens of different States, and cases between citizens of the same State who claim lands granted by different States, and cases between citizens of a State and foreign states, citizens, or subjects.

450. Kinds of Jurisdiction.—A court has jurisdiction of a case or suit at law when it may try it, or take some particular action with regard to it. There are several kinds of jurisdiction. A court has original jurisdiction of a case when the case may be brought or begun in that court. It has appellate jurisdiction when it may re-hear or re-examine a case that has been decided or has been begun in some inferior court. The methods by which this is done are called appeal and writ of error. An appeal brings up the whole question, both law and fact, for re-examination; a writ of error, the law only. A court has exclusive jurisdiction of a case when it is the only court that can try it or can dispose of it in some particular manner. Two or more courts have concurrent jurisdiction of a case when either one may try it, provided the case comes properly before it.

451. The District Court.—Congress has created seventy-two Judicial Districts, in each one of which a Dis-

trict Court is organized. There is at least one district in every State, and in the most populous States there are two or more. There are only sixty-six District judges, as a few of the judges preside over two districts. Each district has its own District Attorney, who is the local law officer of the Government, a Clerk who keeps the records of the court and issues legal papers under its seal, and a Marshal who is the executive officer of the court. A District court must hold at least two terms every year. It has a limited range of jurisdiction in civil cases, and especially in admiralty and maritime jurisprudence; that is, in matters relating to shipping and navigation. It also has jurisdiction of many crimes and offences committed in the district.

452. The Circuit Court.—The seventy-two districts are grouped in nine Circuits. The first circuit contains four States and four districts, the second three States and five districts, and so on. One of the justices of the Supreme Court is assigned to each circuit, and is called the Circuit Justice. There are also two Circuit judges in every circuit. The Circuit court sits from time to time in every district that the circuit contains. It may be held by the Circuit Justice, by one of the Circuit judges, or by the District judge of the district where the court is for the time sitting, or by any two of these sitting together. The district attorneys, clerks, and marshals mentioned before serve these courts also. The Circuit court has original jurisdiction in civil cases where the amount in controversy is \$2,000, not counting costs, in copyright and patent cases, and many others. It has original jurisdiction in criminal cases, and in capital cases an exclusive one; besides it has an appellate jurisdiction in respect to many cases that originate in the District courts.

453. The Circuit Court of Appeals.—In every circuit there is also a Circuit Court of Appeals. It consists of three judges, of whom two constitute a quorum. The Circuit Justice, the Circuit judges, and the District judges of the circuit are competent to sit in this court. The last, however, can sit only for the purpose of making a quorum in the absence of the Circuit Justice or of one or both of the Circuit judges. The law designates the places where these courts shall be held. First circuit, Boston; second, New York; third, Philadelphia; fourth, Richmond, Virginia; fifth, New Orleans; sixth, Cincinnati; seventh, Chicago; eighth, St. Louis, and ninth, San Francisco. The Circuit Court of Appeals can review many decisions made by the Districts and Circuit courts. In patent, revenue, criminal, and admiralty cases its decisions are final. These courts are exclusively courts of appeals, and they were created expressly to relieve the Supreme Court of a part of its business.

454. The Court of Claims.—The Government of the United States carries on vast business operations, and, as is natural, points of dispute are constantly arising. Formerly a person having a claim against the Government that the Executive Departments could not or would not pay, had no redress but to go to Congress for relief. This was unsatisfactory both to claimants and to the Government. To meet this difficulty, the Court of Claims was created and was given jurisdiction over certain classes of claims against the Government. The methods of procedure is for the claimant to enter a suit in court, which is regularly tried and determined. If judgment is rendered against the Government, Congress appropriates money to pay it. This court consists of a Chief Justice and four Associate Justices, and sits only in Washington. Congress has also vested a limited

jurisdiction in respect to claims in the District and Circuit courts also.

455. The Federal District and the Territories.—Congress has established special courts for the District of Columbia and the Territories. The Supreme Court of the District consists of a Chief Justice and five Associate Justices, any one of whom may hold a court with power similar to that exercised by the District judges in the States. The Territorial judicial system is similar to this, but the judges are fewer in number.

456. The Supreme Court.—The Supreme Court consists of the Chief Justice of the United States and eight Associate Justices. It holds one regular term each year at Washington, beginning the second Monday of October. This court has original jurisdiction in all cases relating to ambassadors and other public ministers and consuls, and those to which a State is a party. It has appellate jurisdiction, both as to law and fact, in all cases originating in the inferior courts, save such as Congress by law shall except. Nearly all the cases that the Supreme Court passes upon are appellate cases. Appeals may be made to it, and writs of error lie to it, from the District and Circuit courts, from the Court of Appeals, and from the Supreme Courts of the Federal District and the Territories.

457. Appointment of Judges.—The National judges are appointed by the President by and with the advice and consent of the Senate. The appointments are for good behavior, by which expression official behavior is meant. Nothing is more necessary to a judicial system than the independence of the judges. If they were elected by the popular vote, they might court the popular favor to secure an election. If they served for fixed periods, they might court the Senate and President to

secure re-appointment. The courts of the Federal District and of the Territories do not come within the Constitutional provisions. However, Congress has made the tenure of the first good behavior, and of the second a term of four years

458. Pay of the Judges.—The salary of a judge can not be diminished while he continues in office, but it may be increased. If Congress could reduce the judge's salary after he had entered upon his term, it might control his action and make him dependent upon its will. The salary of the Chief Justice is \$10,500; of the Associate Justices, \$10,000; of the Circuit Judges, \$6,000; and of District Judges, \$5,000. Any judge who has held his commission ten years and has attained to the age of seventy, may resign his office and continue to draw his salary during the remainder of his life.

459. Concurrent Jurisdiction of National and State Courts.—The Constitution gives the Supreme Court an exclusive jurisdiction in cases affecting public ministers and consuls, and cases to which a State may be a party. Congress has gone further and declared the jurisdiction of the National courts in certain cases to be an exclusive one. Patent and admiralty cases, for example, are of this class. Outside of this exclusive jurisdiction, Congress has given the State courts a civil jurisdiction concurrent with that of the National courts. Still more, some criminal offenses under the National laws may be prosecuted in the State courts, as those arising under the postal laws.

460. Appeals from State Courts.—The Constitution, laws, and treaties of the United States are the supreme law of the land. If the constitution or the laws of a State conflict in any way with this supreme law, such constitution or laws, so far as the confliction extends,

are null and void. Moreover, the power to decide what is, and what is not, a confliktion with the National authority rests with the National judiciary. Hence, any case arising in the courts of a State that involves the National authority may be appealed to the National courts. Such cases are said to involve Federal questions. To this extent, therefore, the courts of the United States are the final and authoritative interpreters of the constitutions and laws of the States.

461. Rules Regulating Trials.—A jury system like that found in the States is a part of the National judiciary. All crimes, save in cases of impeachment, must be tried by an impartial jury of the State and judicial district where they have been committed. Crimes committed in the Federal District or in a Territory must be tried in the District or Territory. Crimes committed on the sea are tried in the district in which the accused is arrested, or into which he is first brought when the ship returns to the United States. No person can be put on trial for a capital or infamous crime until he has first been indicted by a grand jury; in such case the trial must be a speedy and public one, and the accused must be informed of the accusation made against him. He shall have the benefit of the compulsory power of the court to compel the attendance of witnesses, and shall also have the assistance of a lawyer for his defense. Excessive bail can not be required, or excessive fines be imposed, or cruel or unnatural punishments be inflicted. No person who has once been tried for an offense and found innocent, can be put on trial for that offense the second time. In a criminal case no man can be compelled to testify against himself, nor can any person be deprived of life, liberty, or property until he has been adjudged guilty according to the common course of the

law. In any civil suit at common law where the amount in controversy is more than twenty dollars, the right of trial by jury is also preserved. Rules like these will be found in the jurisprudence of the several States. These rules, however, relate exclusively to the National tribunals. The Fourteenth Amendment declares that no State shall deprive any person of life, liberty, or property without due process of law.

462. Military Courts.—Cases arising in the military and naval service are tried in special courts called courts-martial. This is true of the militia also when they are employed in the public service in time of war or public danger. In all such cases as these the rule in regard to an indictment by a grand jury has no application.

463. Treason.—Treason against the United States is either making war against them, or siding with their enemies, rendering them aid and comfort. No person can be convicted of this crime, which is considered the greatest of all crimes, except on the testimony of two witnesses to the same offense, or on his own confession of guilt in open court. Congress has enacted two modes of punishment for treason at the discretion of the judge trying the case. The traitor shall suffer death; or he shall be imprisoned at hard labor for not less than five years, be fined not less than \$10,000, and be pronounced incapable of holding any office under the United States.

CHAPTER XLIII.

NEW STATES AND THE TERRITORIAL SYSTEM.

The American Government. Sections 584-597.

The Territorial System of the United States has played a very important part in their history. It is proposed in this chapter to show how it originated, and to describe its principal features.

464. The Original Public Domain.—At the time of the Revolution seven of the thirteen States claimed the wild lands lying west of the Alleghany Mountains and extending to the Mississippi River and the Northern Lakes. These were then National boundaries. In time these States yielded their claims. When the Constitution was framed in 1787, the country northwest of the Ohio River had already come into possession of the Old Congress. The Southern cessions were made later. In general, the cessions to the Nation included both soil and jurisdiction—the ownership of the land and the right to govern the territory. The Northwestern cessions constituted the first Public Domain of the United States; that is, a territory belonging to the Nation in common. The Constitution gave Congress the power to dispose of the National territory, and to make all needful rules and regulations for its government. Before this, however, Congress had established a government over the existing domain, which was styled the Northwest Territory.¹

465. Annexations.—Seven annexations of territory have been made to the United States: Louisiana purchase,

¹ See Chapters IV. and V.

1803; Florida, 1819; Texas 1845; Oregon, 1846; the two Mexican annexations, 1848 and 1853, and Alaska, 1867. These annexations, with a single exception, were additions to the public domain and became at once subject to the control of Congress. This exception was Texas, which had been an independent power and was admitted to the Union as a State at once without passing through the Territorial probation. Subsequently Texas sold that part of her dominion which now forms the eastern part of the Territory of New Mexico to the United States.

466. Provision for New States.—The claimant States made their cessions of Western territory on the condition that, as rapidly as it became ready, such territory should be divided into new States to be admitted to the Union on an equality with the old ones. So a provision was inserted in the Constitution that authorized Congress to admit new States to the Union. But this was not all; some controversies had already arisen concerning the formation of new States out of old ones. So it was provided that no new State should be formed within the jurisdiction of any State, nor should any new State be formed by uniting two or more States, without the consent of the Legislatures concerned as well as of Congress.

467. Territories of the United States.—In a broad sense the whole dominion of the United States is their territory, States and Territories alike. But in common usage the term territory is limited to so much of the whole dominion as has not been formed into States. Still further, as thus limited the word is employed in two senses. An organized Territory is a part of the dominion having prescribed boundaries and a fully developed Territorial Government. Arizona, New Mexico, and Oklahoma are the only Territories of this class. An unorganized

Territory either has no government at all, or has a very rudimentary one carried on by officers sent from Washington. Thus civil government is administered in Alaska, which is an unorganized Territory, by a Governor and Commissioners appointed by the President and Senate.

468. Government of an Organized Territory.—Such a government is set up by Congress. The Governor, Secretary, and Territorial Judges are appointed by the President for four years, and are paid from the National Treasury. The Legislature consists of a house of representatives and a council, the members of which are elected by the qualified voters of the territory. The Legislature legislates on subjects of local concern, subject to the Constitution and laws of the United States. For example, it may establish counties and townships and local self-government for the people. It may also establish a Territorial system of schools. The Governor exercises powers similar to those exercised by the Governor of a State, while the Secretary performs duties similar to those performed by a State Secretary of State. There are also a District Attorney and a Marshal appointed by the President. A Territory can not be represented in Congress or participate in the election of President and Vice-President. Still an organized Territory is permitted to send a delegate elected by the people to the House of Representatives, who may speak but not vote. It will be seen that the status of a Territory is in all respects inferior to that of a State. A Territory is an inchoate State.

469. Admission of New States.—This subject has been committed wholly to the discretion of Congress. Congress makes the boundaries of the State, fixes the conditions of admission, gives the State its name and

determines the time of admission. Congress settles some of the details in the act creating the Territory, and still others in a law providing for its admission called an Enabling Act. The principal steps to be taken are the following: First, the people of the Territory elect the members of a convention to frame a State constitution. Secondly, the convention thus elected performs the duty duly committed to it. Thirdly, the constitution is submitted to the people for their approval. Fourthly, Representatives and Senators are elected to represent the new State in Congress. Fifthly, comes the formal act of admission, which is sometimes performed by the President, who issues a proclamation to that effect in compliance with a law previously passed, and sometimes is performed by Congress passing an act called an act of admission.

470. States Admitted.—Thirty-two new States have been admitted to the Union. Vermont, Maine, West Virginia, Kentucky, and Tennessee were formed from old States and were never Territories. The facts in regard to Texas have been stated already. The other States, twenty-six in number, have been formed from the public domain; and, save California alone, have passed through the Territorial probation.

471. Indian Territory.—Some sixty years ago this Territory was set apart and dedicated by Congress as a home for so-called civilized tribes of Indians. Many tribes and portions of tribes were removed there from east of the Mississippi River. The Indians keep up their tribal organization of government, but they are subject to the general oversight of Congress. There is a United States court in the Territory, which exercises jurisdiction over offenses committed against the laws of Congress so far as they are applicable.

472. The Public Lands.—Beginning in Southeastern Ohio, in 1786, the Government has caused the public lands to be surveyed according to a practically uniform system. They are first cut up into townships six miles square, and then these are subdivided into sections of 640 acres, which again are divided into lots of 160, 80, and 40 acres. The sections are now numbered, back and forth, in the following manner:

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Such a township as this is called a Congressional township. As a rule, the States have based their divisions of counties and townships on the Government surveys, and it is this fact that gives the maps of the Western States such a checker-board appearance. In general Congress has followed a very liberal policy in respect to the public lands, selling them at low prices, giving them away as bounties to soldiers and to settlers under the homestead law, and granting them to States and railroads and other corporations to stimulate education and public improvements.

473. School Lands.—Beginning with Ohio, admitted to the Union in 1803, and continuing to Wisconsin, ad-

mitted in 1848, Congress gave section No. 16 in every Congressional township to the people of the township for the use of common schools. Beginning with California, in 1850, and continuing to the present, it has given sections 16 and 36 in every township for that purpose. Congress has also given every public-land State, or State formed out of the domain, two townships of land for the support of a State university, and some of them more than two. It has also given lands for agricultural colleges and normal schools, and for other educational purposes.

474. New States.—The following table contains the names of the new States, and the dates of their admission to the Union:

Vermont, March 4, 1791.	Wisconsin, May 29, 1848.
Kentucky, June 1, 1792.	California, September 9, 1850.
Tennessee, June 1, 1796.	Minnesota, May 11, 1858.
Ohio, February 19, 1803.	Oregon, February 14, 1859.
Louisiana, April 8, 1812.	Kansas, January 29, 1861.
Indiana, December 11, 1816.	West Virginia, June 19, 1863.
Mississippi, December 10, 1817.	Nevada, October 31, 1864.
Illinois, December 3, 1818.	Nebraska, March 1, 1867.
Alabama, December 14, 1819.	Colorado, August 1, 1876.
Maine, March 15, 1820.	North Dakota, Nov. 2, 1889.
Missouri, August 10, 1821.	South Dakota, Nov. 2, 1889.
Arkansas, June 15, 1836.	Montana, November 8, 1889.
Michigan, January 26, 1837.	Washington, Nov. 11, 1889.
Florida, March 3, 1845.	Idaho, July 3, 1890.
Texas, December 29, 1845.	Wyoming, July 10, 1891.
Iowa, December 28, 1846.	Utah, January 4, 1896.

CHAPTER XLIV.

RELATIONS OF THE STATES AND THE UNION.

The American Government. Sections 419-445; 578-583; 598-603; 608-620; 623-631; 644-654; 763-772.

Part II of this work describes the government of a single State. The preceding chapters of this Third Part describe the Government of the Union in its general features. It is very obvious that either one of these governments, by itself, would be very imperfect. It is equally obvious that they supplement each other. Each one is essential to the other and to society, and neither one is more essential than the other. The two together make up one system of government. The governments of the States are part of the Government of the Union, and the Government of the Union is a part of the governments of the States. The citizen is subject to two jurisdictions, one State and one National. Both of these jurisdictions have been created by the American people, and each one is exclusive and independent within its sphere. In other words, the United States are a federal state, and their Government is a federal government. Moreover, experience shows that such governments are complicated and delicate, and that they will not work well unless the two parts, local and general, are well adapted each to each like the parts of a machine.

475. The State Sphere.—The sphere of the State is well marked off. Matters of local and State concern are committed to its exclusive authority. Within its sphere,

the State is perfectly free to do what it pleases, taking good care not to infringe upon the sphere of the Union. It is the great business of the State government to preserve the peace and good order of society within its borders. It defines civil and political rights; defines and punishes crime; protects the rights of property, of person, and of life; regulates marriage and divorce; provides schools and education for the people, and does a hundred other things that it deems necessary to promote the physical, intellectual, and moral well-being of the people.

476. The National Sphere.—This is equally well defined. Matters of general, common, or National interest are committed to the Union. Here are the powers to levy taxes and borrow money for National purposes; to regulate foreign commerce; to conduct war; to carry on the post-office; to manage foreign relations, and to exercise the many other powers that are delegated by the National Constitution. It will be seen that these are matters in which the whole American people are interested. Within its sphere, the Nation is just as free and unlimited as the State is within the State's sphere.

477. The State and the Union.—Neither one of these jurisdictions is, strictly speaking, limited to matters purely local or purely national. The State does more than merely to look after local interests. The Union does more than merely to see to National affairs. Either authority does some things that, at first thought, might seem to belong exclusively to the other. In this way, great strength is imparted to the whole system, and it is made to do its work more thoroughly. This a series of paragraphs will show.

478. National Functions of the States.—The State participates directly in carrying on the Government of

the Union. It defines the qualifications of electors, establishes Congressional districts, conducts the elections of Representatives, elects members of the United States Senate, and appoints Presidential Electors. All these things are purely voluntary. The States cannot be compelled to do them, but if they should refuse or neglect to do them the whole National system would fall into ruins. But, more than this, the Union employs the State militia, and imposes duties upon the governors and judges of the States.

479. Prohibitions Laid on States.—The successful working of the National system makes it necessary that certain prohibitions shall be laid on the States. No State can enter into any treaty, alliance, or federation; coin money, issue paper money, make anything but gold and silver a tender in payment of debts, pass any law interfering with contracts, or grant any title of nobility. No State, without the consent of Congress, can levy duties or impostson imports and exports, beyond what is necessary to pay the cost of its inspection service. No State can, without the consent of Congress, lay any tonnage tax on ships, keep troops or ships of war in time of peace, or enter into any compact or agreement with another State or a foreign power. No State can engage in war, unless it is actually invaded or in immediate danger of invasion.

480. Duties of State to State.—If the National System is to work smoothly, it is obvious that a good understanding among the States is necessary. The Constitution accordingly lays various commands upon the States in respect to their relations one to another. The acts, records, and judicial processes of any State are respected by every other State, so far as they can have any application. For example, a marriage contracted or a

divorce granted in one State is a marriage or a divorce in every other State. Citizens of one State passing into another State are entitled to all the rights and privileges that the citizens of such State enjoy. If a person who is charged with any crime in one State flees from justice and is found in another State, it is the duty of the Governor of the State to which he has fled to surrender him on the demand of the Governor of the State from which he has fled, that he may be brought to trial and, if guilty, to punishment.

481. Privileges and Immunities of Citizens.—Section one of Amendment XIV. declares all persons born and naturalized in the United States and subject to their jurisdiction, to be citizens of the United States and of the State wherein they reside. It contains also the following declarations: “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

The Union owes several important duties to the State.

482. Republican Form of Government.—The Union guarantees to every State a republican form of government. If a non-republican government should be established in any State by revolution or otherwise, it would be the duty of the Union to interfere and see that republican government be re-established. Power to decide in such cases what a republican form of government is, belongs to Congress.

483. Invasion and Domestic Violence.—The Union must also protect the States against invasion, and in emergencies against domestic violence. These duties are

the more necessary because the Constitution denies to the States the right to keep troops and ships of war in time of peace. If any State is invaded it is the duty of the President to call out the National forces to repel the invasion. In the first instance it is the duty of the State authority to suppress domestic violence within its borders, but if such authority in any case thinks the assistance of the United States to be necessary or advisable, it has the right to call for such assistance. The Legislature, if it be in session, and otherwise the Governor, makes the call. This call is addressed to the President, who takes such steps as he thinks necessary to accomplish the object.

484. The National Authority and the Public Peace.—There are, however, certain emergencies in which the President can act directly to suppress domestic violence. When such violence interferes with the operations of the National Government, he need not wait for the State Legislature or Governor to call for assistance, but is in duty bound to act at once to protect the operations of the Government and so to restore the public peace. Thus, when the United States mails and inter-State commerce were interrupted in Chicago in 1894, President Cleveland ordered the National forces to protect the mails and the railroads.

485. Supremacy of the Union.—The Constitution, laws, and treaties of the United States are the supreme law of the land. They supersede State constitutions and laws whenever these constitutions and laws encroach upon the supreme law. To secure this end, the judges of the State courts, in interpreting and declaring the law, must side with the United States, rather than with the State, in all cases of confliction. To secure this supremacy the more completely, Senators and Representatives

of the United States, members of the State Legislatures and all executive and judicial officers, both of the United States and of the States, must take an oath or affirmation to support the Constitution of the United States. But no religious faith, opinion, or rite can be made a qualification for holding any office of public trust under the United States.

There are also many prohibitions laid upon the National authority. Several of these have been dealt with already in other places; others will be mentioned in this place.

486. Writ of Habeas Corpus.—In countries where this writ is recognized, a sheriff or other officer, or even a private individual, who has a person in his custody whom he is depriving of his liberty, can be made to show cause why he holds him. The person who is held as a prisoner, or other person in his interest, appeals to a court of competent jurisdiction for a writ of *habeas corpus*, which commands the officer or other person to bring his prisoner into court. If he can show no sufficient cause for holding him, the prisoner is set at liberty. This writ is one of the great bulwarks of personal liberty, and the Constitution provides that the privilege of the writ shall not be suspended unless in time of rebellion or invasion when the public safety requires it.

487. Bills of Attainder and Ex Post Facto Laws.—A bill of attainder is a legislative act that inflicts punishment of some kind upon a person without a judicial trial. An *ex post facto* law is a law that places some punishment upon an act that was not placed upon it when the act was done. Both the State Legislatures and Congress are forbidden to pass any bill of attainder or *ex post facto* law.

A statement of several restrictions that are imposed upon the States or the Union, or both States and Union, may fitly close this work.

488. Titles of Nobility.—These would plainly be out of character and be corrupting in tendency in a republican country. Republicanism assumes the equality of citizens. So it is provided that neither the United States nor any State shall grant any title of nobility. Furthermore, no officer of the United States can, without the consent of Congress, accept any present, office, or title from any king, prince, or foreign state.

489. No National Church.—Congress can pass no law in relation to a state church or establishment of religion, or prohibit the free exercise of religion. All churches and religions are, so far as the National authority is concerned, put on the same level. The separation of Church and State is a fundamental principle of American polity.

490. Freedom of Speech and the Right of Petition.—Congress can pass no law abridging the freedom of speech or of the press, or denying or limiting the right of citizens peaceably to assemble and to petition the Government for a redress of grievances. This provision, however, is no defense of license of speech or printing, such as slander or libel, or of public tumult and disorder.

491. Soldiers in Private Houses.—Tyrannical rulers have often accomplished their purpose of oppression by quartering soldiers in the houses of citizens, to overawe and intimidate them. In the United States soldiers can not be quartered in private houses without the consent of the occupants in time of peace, and not in time of war save in a manner that is prescribed by law.

492. The Militia.—Tyrannical governments have often found it necessary, in order to accomplish their purpose, to suppress the citizen soldiery, or to deny the people the right to keep and to bear arms. Our Constitution provides that, since a well regulated militia is necessary to the security of every state, the right of the people to keep and bear arms shall not be infringed.

493. Searches and Seizures.—Oppressive rulers have often, or generally, held themselves at perfect liberty to search the papers and persons of citizens or subjects, in order to find evidence for criminating them or for establishing their own tyranny the more thoroughly. Our Constitution provides that the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated. Warrants for the purpose of making such seizures shall not be issued by magistrates unless there is probable cause for issuing them, which must be sworn to by the complainant; and even then they must particularly describe the place to be searched and the persons and things to be seized.

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THE NATIONAL GOVERNMENT.

I. Colonial Governments consisted of

- (1) An Assembly,
- (2) A Council,
- (3) A Governor, and
- (4) Courts of Law.
2. The Assembly was chosen by the people.
3. The Council, Governor, and Judges were appointed in various ways.
4. The Colonists possessed the rights of English subjects.
5. Parliament had power to nullify any law passed by the Colonies.
6. The Colonies owed a double allegiance: they were subject—
 - (1) To their own laws, and
 - (2) To those of Great Britain.
7. The Crown and Parliament had supremacy in national affairs.
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2. An Executive Department enforces and administers the laws. Congress may impeach.
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6. Mutual duties of States.
7. Privileges and immunities of citizens.
8. A Republican form of government guaranteed.
9. Invasion and domestic violence.
10. National authority and public peace.
11. The supremacy of the Union.
12. The writ of habeas corpus.
13. Bills of attainder and ex post facto laws.
14. No titles of nobility conferred—none to be accepted by public officers.
15. No national church.
16. Soldiers not to be quartered on citizens.
17. The militia.
18. Searchers and seizures.

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IMAP.

